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THE

# HISTORY

OF

# PENNSYLVANIA,

FROM ITS DISCOVERY BY EUROPEANS

TO THE

Declaration of Independence

IN 1776.

BY THOMAS F. GORDON.

PHILADELPHIA:
CAREY, LEA & CAREY.
JESPER HARDING, PRINTER.
1829

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*Eastern District of Pennsylvania, to wit:*

SEAL.

BE IT REMEMBERED, That on the fourteenth day of January, in the fifty-third year of the Independence of the United States of America, A. D. 1829,

THOMAS F. GORDON,

of the said district, has deposited in this office the title of a book, the right whereof he claims as author, in the words following, to wit:

"The History of Pennsylvania, from its discovery by Europeans to the Declaration of Independence in 1776. By Thomas F. Gordon."

In conformity to the Act of the Congress of the United States, intituled, "An act for the Encouragement of Learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned." And also to the act, entitled, "An act supplementary to an act, entitled, "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned," and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

D. CALDWELL,
*Clerk of the Eastern District of Pennsylvania.*

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# PREFACE.

In the following pages, an attempt has been made to present a full and accurate history of the colony of Pennsylvania, from its discovery by Europeans to the declaration of independence.

The subject is wanting, perhaps, in that vivid interest which arises from frequent vicissitudes—the result of violent concussions in physical and moral nature. Pennsylvania was founded by deeds of peace, and, during many years, was directed by a philanthropic spirit, and sound principles of common sense, which extinguished or controlled those passions which create the subjects of ordinary historical interest. Her annals, during that period, contain little else than the successful efforts of a peaceful people to improve their private fortunes and their political happiness. Their progress in the latter only is matter for history. But, as their efforts were confined to the narrow theatre of an obscure province, and consisted of long and abstruse discussions, they have slight attractions for ordinary readers, and impose on the historian scarce any other duty than that of accurate and perspicuous narration. In the performance of that duty a due mesne has been sought; avoiding, on the one hand, an extreme of generalization, productive of vagueness and dissatisfaction, and on the other, that minuteness of detail which wearies and disgusts. Still it may be objected, that the extracts from the legislative journals are occasionally too full. But their propriety will, perhaps, be admitted, when it is considered that the principal arena of public action was the legislative hall; and that in such details alone are to be found the sources of the public measures of the province, and the character of her most distinguished citizens.

Subsequent to the year 1753, the policy of Pennsylvania assumed a colour analogous to that of other states. Involved in a war resulting from French encroachments, she was compelled not only to contribute to the general means of offence, but to provide against the inroads of her border savages, who, though long fostered by her kindness, became severe scourges to their benefactors. A detail of their barbarities would have filled many pages of the work; but their sameness would have wearied, and their cruelty have disgusted the reader. Still they could not be entirely passed over, and place has therefore been given, to an account of many instances of their brutal ferocity, in the appendix.

From 1753, the knowledge of the history of the British empire in America, becomes necessary to a proper understanding of that of each colony. But whilst an outline of the former has been given, an effort has been made, perhaps not always successful, to resist the temptation to introduce more of it than was requisite.

Full justice has never been done to the magnanimity and ability of the Pennsylvania statesmen and warriors during the revolutionary contest. The quiet and unpretending character of her population, has caused the historian, in a measure, to overlook their merit in the council and in the field. So far as the scope of this volume permitted, an attempt has been made to remedy this injustice, by detailing at length the proceedings of the colony in relation to the tyrannical taxes imposed by Great Britain, and her preliminary steps to independence. And a chief object of the author's labours, should they be continued, will be, to exhibit in full and just relief, the great and efficient part which the people of Pennsylvania had in every stage of the revolution.

Some view of the events leading to the revolution was unavoidable. It would have been no unpleasant task to trace these from their source through all their ramifications; to have exhibited at large the views of Great Britain in relation

to colonization; her system of colonial restrictions, and her principles of colonial taxation, and to have given in detail the reasons, and the course of colonial resistance. But the extent allotted to this volume would not permit this indulgence, and these subjects therefore have been concisely treated.

Biographical notices of early settlers in the province will probably be sought in this volume by their descendants, and some disappointment may be occasioned by their omission. It would have been a source of pleasure to me, had I been enabled to add considerably to the collections of this kind made by Proud and Smith; but I had very little that was new to offer: and what can there be interesting to the public in the lives of men, whose chief, and perhaps sole merit, consisted in the due fulfilment of the duties of private life. The names of the first settlers are interesting to us only because they were the first settlers. We have no affecting tale to relate of them; no perils by flood or field; no privations induced by the crimes of others, or their own imprudence. The most that could be said of them is, that they were moral, religious, prudent, quiet people, who, with admirable foresight, made the best advantage of their situation, and who lived in comfort, begat children, and died. All this has been said by Mr. Proud, and I have not deemed it necessary to repeat it. Due attention, however, has been paid to those persons who have distinguished themselves in Pennsylvania History, and such information as I have been able to obtain in relation to public men, has been given in the text, or in the appendix to the work. The names of the members of assembly, of the council, and of the incumbents of the other offices of the province, have been given from time to time; and as changes in office were not very frequent, it is not probable that the names of many are omitted, who were distinguished by their cotemporaries.

To the Society of Friends, by whom the government of Pennsylvania was chiefly administered during the period of seventy years, and by whom the foundations of its prospe-

rity were laid, I have endeavoured to do full justice. Their firm attachment to liberal political principles; their courage in resisting, by invincible moral force, every encroachment on the rights of conscience; their justice and kindness to the aborigines; their unostentatious, but efficient charities, have all been noticed. If some inconsistences between their principles and their practice are discovered, they prove only that our best resolutions are not always proof against the storms of passion or the wiles of expediency.

In the compilation of the work, I have industriously consulted many authorities, and have examined carefully the minutes of the assembly and council, and many files of original papers deposited in the office of the secretary of the commonwealth at Harrisburg. Among which, a copy of the records at New York, relative to the country on the Delaware, from the year 1664 to the year 1681, was not the least important, since it has enabled me to give an authentic history of that period. I have also had access to some private correspondence, and manuscript collections, which have shed light upon many subjects, and to which I have given due credit. From the labours of the Historical Society of Pennsylvania, I have received considerable aid; and it is highly probable that their exertions, if zealously continued, will rescue from oblivion all that is valuable in private collections.

The two first chapters of the work may be considered prefatory. The one treats concisely of the history of the shores of the Delaware until the grant to William Penn; and the other gives such a view of the Indian tribes then resident thereon, as the researches of men best acquainted with them could furnish. Both seemed indispensable to the proper understanding of the subsequent pages.

It would have been easy to extend the work to two volumes. The greatest difficulty I have had, was its compression to the present size. In order to which, I have rejected such matters as seemed of minor importance. In my

choice I may not have employed the best judgment; and may be obnoxious to the reproach of having omitted that which I should have retained. My defence is, that I have exercised an honest, if not a sound discretion; and that should the public approbation encourage me to continue my labours, I will supply, in a subsequent volume, all that I may have improperly omitted in this.

In the language of Doctor Robinson, "I deliver this book to the world with all the diffidence and anxiety natural to an author on publishing his first performance. The time I have employed, and the pains I have taken, in order to render it worthy of the public approbation, it is, perhaps, prudent to conceal, until it be known whether that approbation shall ever be bestowed upon it."

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Obscurity of the ancient history of America····Abundant sources of its modern history····Common origin of New York, Pennsylvania, New Jersey, and Delaware····Discoveries in North America by the Spaniards and Portuguese ····Of the French, by Verrazano····Of the English, by Cabot, Gilbert, Raleigh, Gosnold····North and South Virginia companies formed····Voyages of Hudson····Discovery of the Delaware bay and Hudson river····Exploration of New York bay and Hudson river····Intercourse with the natives ····Commerce of the Dutch East India company with America····Protection extended by the States General to maritime adventurers····Licensed trading company of Amsterdam···· Dutch settlements at New York····Plymouth adventurers···· Dutch West India company····Their operations in North America···Settlements on Delaware bay and river····Colony planted by De Vries····Destroyed by the Indians····Second voyage of De Vries····Swedish West India or South company····Swedish colony under Minuits····Under Printz···· English driven from the Delaware by Dutch and Swedes···· Swedish settlements····Governor Risingh····War between the Dutch and Swedes····Dutch power established····Dispute with Maryland····English settlements under patent of Sir Edward Ploeyden····New England traders and settlers··· Conquest of New Netherlands by the English····Reduction of the Dutch possessions on the Delaware····Government there····Rebellion of the Long Finne····Indian troubles···· Incorporation of the town of Newcastle····Dispute with

Maryland····New Netherlands recaptured by the Dutch···· Western shore of the Delaware divided into three jurisdictions····Indian troubles····Purchases····Laws···Settlements in New Jersey····Government····William Penn becomes interested in New Jersey····Constitution.

The ancient history of America is buried in profound obscurity. This is more especially true of the northern portion of this great continent. Indicia of a numerous and civilized population, over whose memories and labours unnumbered ages have rolled, are yet discoverable on the shores of our ocean lakes, on the banks of our mighty rivers, and in the depths of our almost impenetrable forests. But these teach us no more of the ancient inhabitants, than is known of the most aged of mortals—that they were, and are not. We are doomed, perhaps, to be for ever ignorant of the origin and progress of that race, which preceded the inhabitants found upon our coasts, at the first visits of Columbus and his successors, who are supposed not only to have adorned our country with the works of science and of art, but to have conquered and enlightened a large portion of those climes, which ignorance and pride have denominated the old world.

But if no effort of industry or ingenuity can penetrate the gloom which rests on those remote ages, such is not the case with the modern history of America. The art of printing has preserved to us all that is useful or curious in her annals, since the first Spanish discoveries. The records of European colonization upon her shores are abundant, and many of those which relate to the Anglo-American provinces, are tediously, if not uselessly minute. The compiler, therefore, of the history of the North American colonies, can fail only from negligence, to collect every important fact appertaining to his subject.

So abundant and accessible are these materials, that most writers on colonial history have been tempted to preface their particular story with a general account of the discovery and settlement of America. Even the biography of Washington has, for introduction, the history of our continent, from its

discovery by the Cabots, to the commencement of the revolutionary war.* Perhaps we should not complain of this frequent recurrence to early events; since, if they be not intimately connected with the story before us, they occasionally serve to adorn it, and receive from every writer new illustration.

Believing, however, that so wide a prefatory range is not necessary to the comprehension of Pennsylvania history, we shall confine ourselves to those states, whose early story is inseparable from hers. The provinces of New York, New Jersey, Delaware, and Pennsylvania, partaking of a common origin, it seems proper to trace the history of the two first to the period at which the charter to William Penn was granted, and that of Delaware to the time of the dissolution of her union with Pennsylvania. This task shall be performed with as much brevity as is consistent with the duty of the historian.

The Spaniards and Portuguese, not many years after the voyages of Columbus, explored the coasts of North America as high as Labrador, to which the latter gave its present name.† As they made their approaches from the West Indies, they may have landed upon the shores of the Delaware and Hudson rivers. But, possessing the fine climates and rich mines of the south, they had no inducements to make permanent settlements in a country less attractive. Florida was occupied by the Spaniards in 1512: and its boundaries, as given by the charter of Philip the second to Menendez, extended from Newfoundland to the 22d degree of northern latitude.‡

It is supposed that John de Verrazano, whilst in the service of Francis I. of France, visited the bay of New York.§ It is certain that in 1523 he coasted the American continent, from the 30th to the 50th degree of north latitude; that he landed and communed with the natives in several places; and

* Marshall's Life of Washington, vol. i. † See N. A. R. vol. vi. (n. s.) 49, 50. 1 Moulton's N. Y. 130. Beschryvinge Van Nieuw Nederlandt, &c. ‡ See vol. iv. (n. s.) N. A. R. 74. De Laet. § Doct. Miller's Disc. 1 vol. N. Y. Hist. Col.

that, by virtue of the discoveries made by him and other French navigators, Henry IV. gave to Des Monts all the American lands from the 40th to the 46th degree of north latitude.* The loss of Verrazano, his vessel and crew, on a subsequent voyage (1524,) procrastinated, for ten years, the efforts of the French to establish colonies in America; and the voyages and discoveries of Cartier, in 1535, turned their attention more particularly to the river St. Lawrence.†

The avarice of the politic and cautious Henry the seventh of England, induced that prince to countenance the enterprising and skilful Cabots, in their search for new countries, and a short passage by the west to the golden climes of India.‡ These distinguished seamen discovered the islands of Newfoundland and St. Johns, and explored the coasts of the continent from the 67th to the 38th degree of northern latitude. But no fruits were immediately derived from their labours. It was reserved for the maritime enterprise of Elizabeth's reign, to give to the English nation a fuller knowledge of the new world, and a proper sense of the advantages which might be drawn from it. Patronised by the earl of Warwick, Martin Frobisher, in three successive voyages, explored the shores of Labrador and Greenland.§ And Sir Humphrey Gilbert made two unsuccessful attempts to establish a colony on the North American continent, in the last of which he perished.‖ But his fate, induced by ignorance, mismanagement, and scantiness of means, did not deter others, better qualified, from similar efforts. The chivalric Sir Walter Raleigh, the half brother of Gilbert, obtained from the queen, for a company of his formation, the very liberal donation of all the lands they should discover between the 33d and 40th degrees. Two vessels¶ despatched by them, having visited Pamptico sound and Roanoke bay, made a report so favourable of the beauty and fertility of the country, that the company were excited to new exertions, and Elizabeth gave to the recently

* See letter of Verrazano in 2 Hackluyt, and in vol. i. N. Y. Hist. Col. Williamson's Hist. N. C. vol. i. 15. Moulton, i. 134. † Hackluyt. ‡ 1497. § 1576, 1577, 1578. ‖ 1580. ¶ Commanded by Amadas and Barlow.

discovered region the name of Virginia, as a memorial that it was discovered in the reign of a virgin queen. But the subsequent efforts of this company proved unfortunate. A colony was indeed planted at Roanoke,* but reduced to distress, by the delay of necessary supplies, they availed themselves of a visit to their shores, by sir Francis Drake, to return to Europe.† Another colony, under the direction of captain John White, soon after sent out to the same place, perished by famine, or the sword of the natives: having been deprived, in consequence of the threatened invasion of England by the Spaniards, of the succour which White had returned to seek for them.

Bartholomew Gosnold, abandoning the circuitous route hitherto pursued, by the Canary islands, sought a more direct course to the northern continent, by steering due west. He visited and gave names to cape Cod, and the islands of Martha's Vineyard, and Elizabeth.‡ His report taught the English, that there were numerous attractions, far north of the place they had hitherto attempted to colonize. New plans for colonization were formed, which were supported by the report of persons sent out by the merchants of Bristol, and the earl of Southampton and lord Arundel of Wardour, to ascertain the correctness of Gosnold's statements. By the zeal of Richard Hackluyt, prebendary of Westminster, to whom England was more indebted than to any man of his age, for her American possessions, an association, embracing men of rank and of business, was formed, to establish colonies in America.§

To this company, James I. granted a charter of incorporation. The extent and value of the American territories, were now somewhat better known, than when Elizabeth gave to Raleigh the whole of the lands he should discover unoccupied by Christians. The king divided that portion of the continent, which stretches from the 34th to the 46th degree of north latitude, into two nearly equal districts. The one called the first or South colony of Virginia, the other, the

* 1584. † 1586. ‡ 1603. § Purchase, vol. ii. 5. Belknap's American Biography. N. A. Re. vol. vi. (n. s.) 36. Robertson.

second or North colony. He empowered sir Thomas Gates, sir George Summers, Richard Hackluyt, and their associates, mostly residents of London, to settle any part of the former they should choose; the latter district he allotted to sundry knights, gentlemen, and merchants of Bristol, Plymouth, and other parts of the west of England. To each of these companies he granted fifty miles each way, along the coast, from the place of their settlement, and one hundred miles of extent of the interior. The council of the former company was established at London, and of the latter at Plymouth, whence the title of the London and Plymouth companies.*

Under this, and another charter to the Plymouth company, in 1620, the provisions of which were not the most friendly to political freedom, nor the best adapted to promote the objects for which they were designed, the permanent settlement of Virginia and the New England colonies was commenced and prosecuted. It is not necessary here to trace their various fortune, or to mark their growth, from the state of weak and sickly plants, to that of the magnificent, deep-rooted, and umbrageous tree.

The long cherished and still unextinguished desire, of discovering a north-west passage to the east, gave birth to several voyages by Henry Hudson. Having in his third voyage, whilst in the service of the Dutch East India company, failed to find this passage by the north, he resolved to explore the coasts of North America, with the view of ascertaining whether a passage to the Pacific ocean, might not be found through that continent.† He ran down the coast from New Foundland, to 35° 41′ northern latitude. Returning by the same course, he on the 28th day of August, 1609, discovered and entered the bay of Delaware; but, finding shoal water and sand in the inlet, he did not venture upon its exploration.‡

Coasting along the eastern shore of New Jersey, Hudson, on the third day of September, anchored his ship, the Half

* April 10, 1606. Monod. un. His. vol. xxx. Hazard's Collect. i. Stith, Beverly, Robertson. † Voyages undertaken by the Dutch East India company. Hudson's Journal. Purchas. 1. N. Y. Hist. Col. 81. 162. Moulton's Hist. N. Y. ‡ Hudson's Journal.

Moon, within Sandy Hook. A week was spent in examining the neighbouring shores, and in receiving and returning the visits of the natives; during which, one of his seamen named John Coleman, an Englishman, was killed; the boat, in which he and several others had passed the Kills, between Bergen Neck and Staten island, having been attacked by two canoes with twenty-six Indians, the unfortunate Coleman was shot by an arrow through the throat. On the twelfth, Hudson entered New York bay through the Narrows.*

The time between the eleventh and nineteenth of September, was employed in exploring the North river. (1) He ascended with his ship, as high as the spot on which the city of Albany now stands, and his boat proceeded to the sites of Waterford and Lansinburg. The decreased volume of the stream, and the shoals which obstructed his further way, depriving him of every hope of reaching the South sea by this route, he prepared to retrace his steps. Commencing his return on the twenty-second of September, he slowly descended the river: on the fourth of October he put to sea, and reached England on the seventh of November, 1609.† His vessel and part of his crew returned to Holland, but the jealousy of James I. forbade Hudson and his English sailors to revisit that country.‡ In the following year, Hudson re-entered the service of the London company, under whose auspices he had made his two first northern voyages, with the design of again seeking a north-west passage through Davis' Straits. In this voyage his crew mutinied, and abandoned him, his only son, and some half dozen of his men who remained faithful, to perish amid the fields of ice, in the vicinity of the bay which now bears his name.§

Whilst in the North river, Hudson had much intercourse with the natives. Those at the mouth of the river were fierce and inimical, while those at a distance from the sea, were mild and hospitable. But the superior power which the Europeans

* Hudson's Journal. Moulton. (1) See Note A, Appendix.
† Journal of Hudson. N. Y. Hist. Col. Moulton. ‡ Lambreehsten Ebeling. Moulton. § June 21, 1611. Purchas. Moulton.

possessed, was exercised upon friends and foes without mercy. Of the former, one was shot to death for the commission of a petty theft, and of the latter, nine were more deservedly slain, in an attack which they made upon the vessel. Thus the first visit of the white men to the shores of the Hudson was signalized by the violent death of ten of their aboriginal inhabitants.

The Dutch East India company, although disappointed in the main design of Hudson's voyage, found sufficient inducement, in the trade for furs he had opened with the natives, to cherish with them a commercial intercourse. A second voyage to the Hudson, made under their authority, in 1610, proving successful, was repeated. Private adventurers were stimulated to competition; and the profits of the company decreasing, they applied to the States General for a monopoly, by which a remuneration might be secured to them, for the expense and risk of their discovery.*

The States decreed,† that "all persons who had discovered, or might discover, any rivers, bays, harbours, or countries, before unknown, should enjoy, beside other advantages, the exclusive trade there for four successive voyages."‡ Under the protection of this edict, the Amsterdam Licensed Trading West Indian company was formed, with the design not only to protect the acquisitions already made on the Hudson, but to extend their commercial privileges, by the discovery of circumjacent places. Adrian Blok and Hendrick Christianse sailed in the service of this company. (1614) Blok arrived first at Mannahattan, and his ship having been accidentally burned, he built a small vessel, with which he passed through the East river, into Long Island sound. Coasting along the Connecticut and Massachusetts shores, he fell in with Christianse near cape Cod. Together they proceeded toward Mannahattan, and on their way discovered Rhode Island and Connecticut river.§ Upon their return to the Hudson, they, with permission of the natives, erected a fort on Castle island.

* De Laet. † March 27, 1614, or, as it is said, 1611, 1612. Moulton, 340. ‡ Great Plaket book, I. D. 563. Moulton. § De Laet. Moulton.

In the preceding year, it is said, a small warehouse was built upon an island below Albany, and that, during the present, four houses were put up on Mannahattan. In the following year, a redoubt was constructed upon the western bank of the river, near the southern extremity of that island.* The most important event of this period, was the alliance, by formal treaty, between the Dutch and the Five Nation confederacy of Indians; at the execution of which, it is supposed, the Lenape tribes were also present, and, by the united instances of the Dutch and Iroquois, consented to the fatal assumption of the character of the woman, in the manner which will be related hereafter.†

The Hollanders, having confined their views of colonization to their Asiatic, African, and South American possessions, and perhaps restrained by the title preferred by the English, to the greater part of North America, in virtue of the discovery by Cabot and other English navigators, had hitherto made no effort to people the shores of the Hudson. It has been asserted, that, between the years 1617 and 1620, settlements were made at Bergen in New Jersey, in the vicinage of the Esopus Indians, and at Schenectady; but the evidence upon this subject is not satisfactory.‡ It has also been said, upon doubtful authority, that sir Thomas Dale and sir Samuel Argal, in the year 1614 or 1616, on their return from an expedition against the French at Acadia, visited Mannahattan, and compelled the Dutch to submit to the English power, and to contribute to the expenses of their voyage.§

But, although the Dutch did not immediately make settlements in New Netherlands,‖ they appear to have been well disposed to assist others in this design. They encouraged the puritans, who, under the care of the Rev. John Robinson, had fled from persecution in England, first to Amsterdam and then to Leyden, to seek a safe and more commodious asylum in the new world; though it was understood that these sectarians intended to preserve their national character, by

* De Laet. Moulton. † 1617. Heckwelder. ‡ Moulton. § Beauchamp Plantagenet's Description of New Albion. Moulton. ‖ The name given to the country from Sandy Hook to Cape Cod.

receiving from the English government a patent for the lands they should inhabit. The germ of the New England colonies, planted at Plymouth in 1620, was originally designed for the country lying between the island of Mannahattan and the present western line of Connecticut. The season of their arrival* on the American coast, adverse winds and currents, and the discovery of a portion of the country, from whence the aborigines had lately been swept by pestilence, induced the pilgrims to seat themselves at Plymouth.† The charge of want of faith in captain Jones, under whose guidance they sailed, and of his having been bribed by the Dutch to land his passengers at a distance from the Hudson, is wanting in verisimilitude.

In 1621 the great West India company was formed in Holland, endowed with the power of the States General, and supported by their wealth.‡ The licensed trading company, which had hitherto conducted commercial operations in the Hudson, and had been content to confine themselves to one river, and a small portion of the coast, was merged in the new company, to whom may properly be ascribed the first efforts of the Dutch nation, to colonize the lands discovered by Hudson.

By direction of this company, a number of settlers, properly provided with the means of trade, subsistence, and defence, were despatched, under the command of Cornelius Jacobse Mey.§ With more enterprise and industry than his predecessors, this navigator visited the shores from Cape Cod, to the south or Delaware river,(1) where he proposed to fix his own residence. From him the bay of New York was called Port May, the bay of the Delaware, New Port May, and its northern cape, Cape May, and the southern, Cape Cornelius.‖ Under his orders, a fort called Nassau was built, at a place called *Techaacho*, upon or near *Sassackon*, now Timber creek, which empties into the Delaware, on the eastern shore, a few miles below *Coaquenaku*, now Philadel-

* November, 1620. † Robertson, Dudly letter. Moulton. ‡ See Charter in Haz. Collec. § 1623, De Laet. (1) See Note B. Append. ‖ De Laet.

phia.* During this year, the forts *New Amsterdam* and *Orange* were also erected, upon the sites of the great cities of New York and Albany.

The administration of the affairs of New Netherlands was confided, by the West India company, to Peter Minuit, with whom came a colony of Walloons, who settled upon Long Island at a bend of the shore opposite to Mannahattan.† In 1627, governor Minuit opened a friendly and commercial intercourse with the Plymouth settlers, and prosecuted the fur trade with great advantage to the company.‡

In 1629, the West India company granted, by charter, special privileges to all persons who should plant any colony in New Netherlands;§ giving to the patroon, or founder, exclusive property in large tracts of land, with extensive manorial and seignoral rights. Thus encouraged, several of the directors, among whom Goodyn, Bloemaert, Pauuw, and Van Renselaer, were most distinguished, resolved to make large territorial acquisitions, and sent out Wouter Van Twiller, of Niewer Kerck, a clerk of the Amsterdam department of the company, to direct its public affairs, and to make a selection of lands for the benefit of individual directors.‖

One of the three ships which came over in 1629, visited an Indian village on the south-west corner of Delaware bay, and purchased from the three chiefs of the resident tribe, in behalf of the Heer Goodyn, a tract of land, extending from *Cape Hinloop* to the mouth of the river, being in length thirty-two, and breadth two, English miles. In the succeeding year, several extensive purchases were made, for Goodyn and Bloemaert, from nine Indian chiefs, of land at Cape May, in length sixteen miles along the bay and sixteen miles in breadth; for the director Pauuw, Staten island and a large tract on the western side of the Hudson, in the neighbourhood of Hoboken; and for Van Renselaer, very extensive tracts along the

* Joost Hartger's Niew Netherlands. Acrelius nya Swerige. Ebeling's der Staat New Jersey. Campanius. Moulton's N. Y. Barker's Sketches. † At the Wal bocht, 1624-5. ‡ Moulton. § See the charter in Moulton's N. Y. ‖ Moulton.

river, above and below Fort Orange.* The impolicy of these large and exclusive appropriations was subsequently felt and condemned, and their ratification seems to have been obtained by admitting other directors to participate in them. The territory of Goodyn was denominated Swanwendael,† that of Pauuw, Pavonia, and that of Van Renselaer, Renselaerwick.‡

For the purpose of prosecuting their plans of colonization, the above named and several other directors entered into an association,§ to which they admitted on equal terms, David Pieterson De Vries, an experienced and enterprising navigator.‖ Their immediate design was to colonize the Delaware river; to cultivate tobacco and grain, and to establish a whale and seal fishery. The command of the vessels, appointed to carry out the colonists, was given to De Vries, who left the Texel on the 12th December, 1630, and arrived in the Delaware bay in the course of the winter. He found the country deserted by Europeans. Fort Nassau was abandoned, and in possession of the Indians. Captain Mey had departed, bearing with him the affections and regrets of the natives, who long cherished his memory. De Vries and his companions selected a spot on Lewis' creek,¶ for their settlement, and unimpeded by the season, which he reports as uncommonly mild, they erected a house, surrounded with palisades, and called it Fort Oplandt, serving as a fort, a house of commerce, and place of rendezvous. The whole plantation, as included within the limits of Goodyn's purchase, extended to the Little Tree corner or Boompjes Hoeck.**

On the return of De Vries to Holland, the colony was left under the command of Giles Osset, who set upon a post or pillar the arms of the States General, painted on tin, in evidence of their claim and possession. An Indian, ignorant of the object of this exhibition, and, perhaps, unconscious of the right of exclusive property, appropriated to his own use this honoured symbol. The folly of Osset considered this offence, not only as a larceny, but as a national insult; and he

* See Moulton. † Valley of Swans. ‡ Moulton. § 16th Oct. 1630. ‖ De Laet. Moulton. ¶ Called by the Dutch Hoerne Kill. ** Corrupted into Bombay Hook. De Vries. Moulton.

urged his complaints and demands for redress, with so much vehemence and importunity, that the harassed and perplexed tribe brought him the head of the offender.* This was a punishment which Osset neither wished nor had foreseen, and he ought justly to have dreaded its consequences. In vain he reprehended the severity of the Indians, and told them, had they brought the delinquent to him, he would have been dismissed with a reprimand. The love of vengeance, inseparable from the Indian character, sought a dire gratification; and, though the death of the culprit was doomed and executed by his own tribe, still they beheld its cause in the exaction of the strangers. Availing themselves of the season in which greater part of the Dutch were engaged in the cultivation of the fields, at a distance from their house, the Indians entered it, under the amicable pretence of trade, and murdered the unsuspicious Osset, with a single sentinel, who attended him. Thence proceeding to the fields, they fell upon the labourers, in the moment of exchanging friendly salutations, and massacred every individual. This conduct of the Indians, with its extenuating circumstances, as related by themselves to De Vries, is sufficiently atrocious; but it is neither improbable nor inconsistent with the disposition the aborigines had frequently displayed towards foreigners, that the desire of possessing the white man's wealth, was as powerful a stimulant to violence, as the thirst for vengeance.

In December, 1632, De Vries again arrived from Holland. He found no vestiges of his colonists, save the ashes of their dwelling, and their unburied carcasses. Attracted by the firing of a cannon, the savages approached his vessel with guilty hesitation. But having at length summoned courage to venture on board, they gave a circumstantial narrative of the destruction of his people. De Vries deemed it politic to pardon what he could not safely punish; and was, moreover, induced, by the pacific disposition of his employers, to seek reconciliation. He made a new treaty with the Indians, and after-

* Moulton. Barker's Sketches.

wards, with a view to obtain provisions, ascended the river above Fort Nassau. He had nearly fallen a victim here to the perfidy of the natives. Pretending to comply with his request, they directed him to enter the Timmerkill creek (Cooper's,) which furnished a convenient place for an attack, but, warned by a female of the tribe of their design, and that a crew of a vessel (supposed to be from Virginia) had been there murdered, he returned to Fort Nassau, which he found filled with savages. They attempted to surprise him, more than forty entering his vessel; but, aware of their intention, he ordered them ashore with threats, declaring that their Mannetto, or Great Spirit, had revealed their wickedness. But subsequently, pursuing the humane and pacific policy which had hitherto distinguished him, he consented to the wishes they expressed, of forming a treaty of amity, which was confirmed with the customary presents on their part; but they declined his gifts, saying, they did not now give presents that they might receive others in return.*

Failing to procure the necessary provision, De Vries, leaving part of his crew in the bay to prosecute the whale fishery, sailed to Virginia, where, as the first visiter from New Netherlands, he was kindly received, and his wants supplied. Upon his return to the Delaware,† finding the whale fishery unsuccessful, he hastened his departure, and with the other colonists returned to Holland, visiting Fort Amsterdam on his way. Thus, at the expiration of twenty-five years from the discovery of the Delaware by Hudson, not a single European remained upon its shores. (1)

It has been erroneously affirmed that the Swedes settled on the Delaware in the year 1627 or 1631.‡ The design of establishing a colony here was fondly cherished by Gustavus Adolphus, but was not effected during his life. This prince fell at Lutzen in 1632, and several years elapsed, after his death, before the ministers of his daughter Christina gave their countenance to the undertaking. The successful enter-

* De Vries. Moulton. † April, 1633. (1) See Note C.
‡ Smith's History of New Jersey. Proud. Holmes' Annals.

prise of the Dutch West India company had excited their northern neighbours, the Swedes, to the formation of a similar association, whose operations might also extend to Asia, Africa, and America. William Usselinx, or Usseling, a Hollander, who had been connected with the Dutch company, obtained the assent of Gustavus to this measure.* Designing to plant a colony on the Delaware, he prepared and published articles of association for that purpose, accompanied with a description of the fertility of the soil, and the commercial advantages of the country. The king by proclamation exhorted his subjects to contribute to the formation of the company,† and recommended its plan to a diet of the states, by whom it was confirmed.‡ Persons of every rank, from the king to the peasant, subscribed; an admiral, a vice-admiral, merchants, assistants, commissaries, and a military force were appointed, and the company received the name of the South company. But the intervention of a German war suspended its operations, and the death of the king proved fatal to the main project. The subordinate one, however, of a colony on the Delaware, was revived during the minority of Christina, under the administration of Oxenstierna.§

From 1633 to 1638, no attempt was made by any European nation to settle on the banks of the Delaware, unless during this period sir Edmund Ploeyden commenced his ephemeral palatinate of New Albion. It is probable, however, that the Dutch visited the river for the purpose of trade, and occasionally remained for some time at fort Nassau. That they vigilantly watched the approach of other nations to these shores, is obvious, from the promptitude of their remonstrances against the subsequent attempts of the English and Swedes.

Minuit, who had been superseded by Vouter Van Twiller, in the direction of the affairs of New Netherlands, proceeded to Holland, and thence to Sweden, where he succeeded in reviving the plan of colonizing the Delaware, under the imme-

* 21st Dec. 1624. † 1626, July. ‡ 1627. § Campanius Acrelius. Moulton.

diate authority of the government, then administered by the excellent Oxenstierna. In 1637 or 1638, an expedition was fitted out, under Minuit's command, consisting of the Key of Calman, a ship of war, and a transport named the Bird Grip, (Griphen,) carrying a clergyman, an engineer, and many settlers, with the necessary provisions, and merchandise for trade, and presents to the Indians.* Landing at Inlopen, the inner cape on the western shore of the Delaware bay, and delighted by its verdure and fertility, the Swedes named it Paradise point. Proceeding thence up the bay and river, they opened communications with the natives, and purchased from them the soil upon the western shore, from the capes to the falls at Sankikans, opposite to the present city of Trenton. Soon after (1638) they laid the foundation of the town and fort of Christina, at a place called by the natives *Hopohaccan*, on the north of the stream *Minquas*, alias *Suspecough*, not far from its mouth.† Not a vestige of this town or fort remains, but a plan of both, drawn by the engineer Lindstrom, has been preserved by Campanius. In 1747, this spot was chosen to protect the country from an attack by the French and Spaniards; and, in throwing up a redoubt, at the distance of three feet below the surface, a Swedish coin of Christina was found by some workmen, among axes, shovels, and other implements.‡ The author of *Bescryvinge van Netherlands*, &c. asserts, that Minuit entered the Delaware under pretence of obtaining refreshment on his way to the West Indies, but threw off his disguise by erecting this fort. The vigilance of the Dutch soon discovered this intrusion. Kieft, who about this time succeeded Van Twiller as governor of New York, remonstrated with Minuit, by a letter dated May 6, 1638, asserting, that the whole South river of New Netherlands had been in the Dutch possession many years, above and below Christina, beset with forts, and sealed with their blood.§ This remonstrance was unreasonable and unwarrant-

* Bescryringe van Virginie. De Laet. Arcelius. Swedish MS. records, communicated by the Rev. Nich. Collin. † Swedish records, MS. ‡ Kalm's Travels. Barker's Sketches. § N. Y. Records. Acrelius. Smith's N. Y.

able, if, as Campanius asserts, the Swedes had obtained in 1731 the right of the Dutch by purchase. The allegation of this right may have induced forbearance on the part of the Dutch authorities, but did not deter them from erecting a fort at this period at the Hoarkills. The Swedes maintained a harmonious intercourse with the natives, but do not appear to have received immediately any additional force from Sweden. Minuit died in his fort at Christina about three years after his arrival.*

On the 15th of February, 1642-3, John Printz, a lieutenant-colonel of the Swedish army, having been appointed governor, accompanied by John Campanius arrived in the Delaware with another colony, on board a ship of war called the Fame, and a transport named the Swan. The new governor established himself on the island of Tennekong or Tinicum, where he erected a fort called New Gottenburg, a handsome and convenient dwelling for his own use, denominated Printzhoff, or Printz Hall, and a church, which was consecrated in 1646. Around this nucleus the principal settlers reared their habitations. By his instructions from the Swedish government, the right of soil was acknowledged to be in the aborigines, and he was directed to confirm the contract made by Minuit, for the lands on the Delaware, from Henlopen to Sankikans, extending inland so far as the necessities of the settlers should require; to refrain from every species of injury to the natives, and to cultivate their favour, by a just and reciprocal commerce, supplying them with articles suitable to their wants; and to employ all friendly means to civilize and win them to the Christian faith.

Printz honestly pursued his instructions, which were also faithfully observed by his successors, and no hostilities actually commenced between them and the Indians. But the respect and affection of the latter were not unchangeable, since they nearly expired with the exhaustion of the Swedish stores. When the capacity for making presents had ceased, the

* Acrelius. Swedish Records, MSS.

savages held councils, in which they earnestly deliberated on the propriety of preserving or exterminating their newly settled neighbours. Justice and mercy prevailed. The old and the wise expatiated on the benevolence and utility of the strangers, and assured the young and violent that they could make no easy conquest of men armed with swords and muskets, and guarded by courage and vigilance. The ire of the Indians was particularly directed towards the clergyman, whom they supposed to be engaged, during divine service, in exhorting the Swedes against them; the minister alone speaking, whilst all others were silent.

Before Printz's departure from Sweden, an English settlement was known to exist on the eastern shore of the Delaware. About sixty persons had settled near *Oijtsessing*, *Asamohocking*, or Hog (Salem) creek, in 1640 or 1641. These were probably the pioneers of sir Edmund Ploeyden. The Swedes had purchased from the Indians all the land, from Cape May to *Narriticon*, or Rackoon creek, for the purpose of bringing them under their dominion, and Printz was commanded to attach the English to him, or to procure their removal without violence.* But these instructions were not obeyed, since we are told, that the Dutch and Swedes united to expel the English, and that the latter, assuming the task of keeping out the intruders, possessed themselves of their settlement, and erected a fort, which they called Elftsborg, or Elsinborg.† Acrelius gives another version of the erection of this fort, assuring us that it was reared after the building of fort Kasimer in 1651, as a counterpoise to the Dutch power acquired by that fortress; and that the guns of Elsinborg compelled the Hollanders to lower their flag from the mast head of the passing vessels, which was taken in great dudgeon, and proved one of the moving causes of their subsequent wrath, so fatal to the dominion of the Swedes.‡ Be this as it may, all authors agree that the Swedes were driven out by an invincible foe; that the moschettos, overwhelming in

* Acrelius. † Beschryvinge Van Virginie. Smith's New Jersey.
‡ Acrelius.

numbers, and incomparable for pertinacious activity, obtained exclusive possession of the fort; and that the discomfited Swedes gave the name of the enemy to the abandoned position, and called it *Moschettosburg*.

The Salem settlers were not the only Englishmen who endeavoured, at this time, to establish themselves in the vicinity of the Delaware. A colony, seated under the patent of lord Baltimore, was discovered on the Schuylkill, and the watchful Kieft despatched two sloops to expel them, which appears to have been effected without difficulty. His instructions, dated May 22, 1642, to Jan Jansen Alpendam, who commanded the expedition, are on record, and strongly assert the right of the Dutch, both to the soil and trade there.*

The Swedish government anticipated resistance from the Dutch West India company, of whose pretensions to the shores of the Delaware they were well aware. Printz was instructed to protest against their claims, supported, as was admitted, by the actual possession of fort Nassau, then garrisoned by twenty men; and, in case of hostile efforts on their part, to resist to the uttermost.

Printz returned to Sweden in 1652, leaving his son-in-law, John Pappegoia, vice-governor. In 1654, Pappegoia also returned to Sweden, and the government devolved upon John Risingh, who had come out a short time before, clothed with the authority of commissary and counsellor. He continued, under the title of director-general, to preside over the Swedes, until they were entirely reduced by the Dutch. He renewed the former treaties with the Indians, and, at a council held in 1654, they promised to maintain a sincere friendship. The engineer Lindstrom accompanied Risingh. Both actively promoted the welfare of the colony, and the former made many minute explorations, and constructed plans of the several forts of the river, aided in improving their fortifications, and framed a map of the bay, river, and adjacent country, which is remarkable for its correctness,

* Smith's N. Y. Dutch Records.

and curious, as exhibiting the various streams which empty into the Delaware, with their Indian names. A descriptive memoir, highly interesting, accompanied this map.*

The possession of the Delaware, by the Swedes and Dutch, was for some years in common. In addition to the forts at Nassau and Lewistown (Hoarkills), the latter in 1651, built fort Kasimer at Sandhocken, the present site of Newcastle.† This approximation was too great for the temper of the Swedes. Printz remonstrated, and Risingh demanded that the fort should be delivered up; but receiving a refusal, resolved to obtain it by force or stratagem. He approached the fortress, and, after firing two complimentary salutes, landed with thirty men, who were received by the commandant as friends; but, discovering the weakness of the garrison, they immediately mastered it, seized on all the effects of the West India company, and compelled several of the vanquished to swear allegiance to the queen Christina. Open war having been thus made, without the formality of a declaration, Stuyvesant, then governor of New York, although busily engaged with his troublesome neighbours of Connecticut, resolved on direful vengeance.‡

On the 9th September, 1654, the Dutch governor, commanding an overwhelming force, appeared in the Delaware. On the 16th, he anchored before fort Casimer, landed his troops, and demanded the surrender of the place. Sven Scutz, or Schute, the commandant, asked leave to consult his chief, Risingh; but this being refused, the fort was surrendered on articles of capitulation. Its whole strength consisted of four cannon, fourteen pounders, five swivels, and a parcel of small arms, all of which were retained by the conquered. The stronger fortress of Christina was held by governor Risingh in person; but even he dared not resist the invincible Stuyvesant. On the 25th of the same month, this earliest monument of Swedish enterprise in America, submitted to a strange master, and with it fell the whole Swedish colony. The

* MSS. Library of Am. Phil. Soc. † Campanius. Acrelius. Smith's New York. ‡ These wars have been worthily chronicled by the erudite and facetious Knickerbocker.

fort and palace and church at *Tennekong* also became the prize of the conquerors, and were either prostrated in sacrifice to the angry Stuyvesant, or have fallen under the tooth of time. The latter is the most probable, since the courage of the renowned Dutch captain was not sullied by barbarism.*

The country having been thus subdued, Stuyvesant issued a proclamation favourable to those who chose to remain under his government. About twenty Swedes swore fealty to the "States General, the lords directors of the West India company, their subalterns of the province of New Netherlands, and the director general then or thereafter to be established." Risingh and one Elfwyth, a trader of note, were ordered to France or England, and from thence to Gottenburg.† Among those that remained in New Sweden, was the wife of Papegoia. To her the island of Tennekong descended, and was by her subsequently sold to captain Carr, the English governor, from whom the purchase money, three thousand guilders, was recovered by an execution from the council at New York.‡ In March, 1656, the Swedish resident at the Hague remonstrated against the conduct of the West India company, but the United Provinces never gave redress.

During the possession of the Swedes, several vessels arrived from Sweden, bringing adventurers, who devoted themselves to agriculture. The last ship thus freighted, through the unskilfulness of her officers, entered the Raritan river, instead of the Delaware, and was seized by Stuyvesant, then about to prepare for his campaign against Risingh. Many improvements were made by this industrious and temperate people, from Henlopen to the falls of *Alumningh* or *Sankikans*. Beside the places we have already named, the foundation of *Upland*, the present Chester, was laid at *Mocoponaca; Korsholm* fort, commanded by Sven Soner, was built in *Passaiung*. *Manaiung* fort was placed at the mouth of Schuylkill river, known to the natives by the names of *Manaiung*, *Manaijunk*, *Manajaske*, *Nitabacong*, or *Matina-*

* Smith's New York. Acrelius. † Smith's New York. ‡ N. Y. Records.

*cong;* by the Dutch, Schuylkill; and by the Swedes, Skiarkilen and Landskilen. Then also were marked the sites of *Nya Wasa* and *Gripsholm*, somewhere in the neighbourhood of the confluence of the Delaware and Schuylkill rivers; *Straws Wijk*, and *Nieu Causeland*, or *Clause Land*, (the present New Castle;) and forts were erected at *Kinsessing*, *Wicacoa*, (Southwark,) *Finlandt*, *Meulendael*, and *Lapananel.* On the eastern shore, also, the Swedes had settlements at Swedesborough and other places. Most of these are marked on the maps of Campanius and Lindstrom, and were probably little more than dwellings of farmers, with such slight defences as might protect them from a sudden incursion of the natives.* Among the discoveries of metallic riches which rewarded the labours of the Swedes, we are informed of silver and gold mines. The former are also noticed by Master Evelyn in his description of the country, reported by Plantagenet in his Memoir on New Albion, but they did not remunerate those who endeavoured to work them.†(1)

After its recovery from the Swedes, the Dutch governed the country on South river by lieutenants, subject to the director-general at New Amsterdam. Johannes Paul Jacquet was the first vice-director. His successors were Peter Alricks, Hinojossa, and William Beekman. They were empowered to grant lands, and their patents make part of the ancient titles of the present possessors. Alricks' commission of the 12th April, 1657, shows the extent of the Dutch claim on the west side of the Delaware. He was appointed "director-general of the colony of the South river of New Netherlands, and the fortress of Casimer, now called Niewer Amstel, with all the lands depending thereon, according to the first purchase and deed of release of the natives, dated July the 19th, 1651, beginning at the west side of the Minquas, or Christina kiln, in the Indian language named *Suspecough*, to the mouth of the bay or river called Boompt hook, in the Indian language *Cannaress;* and so far inland as the bounds and limits of the Minqua's land, with all the streams and

* Campanius. Acrelius. Lindstrom MS. † Lindstrom. See 1 Proud. Smith's New Jersey. (1) See Note D, Appendix.

appurtenances and dependencies." Of the country northward of the Kill, or southward of Boompt Hook, or *Cannaress*, no notice is taken. In 1658, Beckman was directed to purchase cape Henlopen from the natives, which, for want of goods, was not effected until the succeeding year.* From the orders and the purchase of 1651, it would seem that no reliance was placed on the purchases made of the Indians by Goodyn in 1629, and by the Swedish governors Minuit, Printz, and Risingh.

In 1642, as we have seen, the Dutch expelled the English from the Schuylkill, as intruders on rights too notorious to be disputed; but during the present year, the Marylanders demanded possession of the shores of the Delaware, by virtue of the patent from the English crown to lord Baltimore. Colonel Nathaniel Utie, commissioner from Fendal, governor of Maryland, visited Niewer Amstel, to protest against the occupation by the Dutch of the western shores of the Delaware bay, threatening to assert lord Baltimore's right by force, but offering also to receive the settlers under his jurisdiction, upon the terms granted to other emigrants. Beekman proposed to refer the controversy to the decision of the republics of England and Holland; and Stuyvesant, by his commissioners despatched to Annapolis, made the like proposition, asserting the title of the East India company, arising from prior occupancy and the assent of the English government, protesting against the conduct of Fendal, as a breach of the treaties between the Dutch and English nations. In the following year, Baltimore applied through his agent, captain Neale, to the Dutch West India company, for orders to their colonists on the Delaware to submit to his authority. A peremptory refusal was instantly given, and a petty war in the colonies was prevented by the weakness of Maryland, and the hopes of redress, from measures then contemplated by the English nation against all the Dutch possessions in North America.†

* Smith's New York. The deed for this purchase is now in the possession of the state of Delaware. † N. Y. Records. N. Y. Hist. Col. vol. iii. 368. Smith's New York.

From a pamphlet published in 1648,* it would appear that a grant had been made by James I., to sir Edward Ploeyden, of the greater part of the country between Maryland and New England, which was erected into a province and county palatine. The boundaries of this extensive palatinate are asserted to be, in the language of the writer, "one thousand miles compass of this most temperate rich province: for our south bound is Maryland's north bound—and beginning at Aquats, or the southernmost or first cape of Delaware bay, in thirty-eight degrees forty minutes, and so runneth by or through or including Kent isle, through Chesapeake bay to Piscataway, including the falls of Potomac river, to the head or northernmost branch of that river, being above three hundred miles due west, and thence northward to the head of the Hudson river to the ocean sixty leagues, and thence to the ocean and isles, across Delaware bay to the south cape fifty leagues; in all seven hundred and eighty miles. Then all Hudson's river isles, Long isle or Pamunke, and all isles within ten leagues of the said province being." These limits, if not very precise, are certainly comprehensive. The rights derived from this patent seem to have slept, during the reigns of James and the first Charles, but were awakened amid the revolution. Before 1648 a company was formed, under sir Edmund Ploeyden, for planting this province, in aid of which our author wrote his description of New Albion. This little work contains a comparison between New Albion and other countries of the new world, giving all preference to the former, and a learned exposition and defence of the rights of an earl palatine, who, among other royalties, having power to

* This pamphlet is addressed by Beauchamp Plantagenet "To the right honourable and mighty lord Edmund, by Divine Providence lord proprietor, earl palatine, governor and captain-general of the province of New Albion, and to the right honourable, the lord viscount Monson of Castlemain, the lord Sherard, baron of Leitrim, and to all other the viscounts, barons, baronets, knights, and gentlemen, merchants, adventurers, and planters, of the hopeful company of New Albion, in all forty-four undertakers and subscribers, bound by indenture to bring and settle three thousand able trained men in our several plantations to the said province."

create barons, baronets, and knights of his palatinate, had bestowed a baronage upon our author and others, as well as upon each of his own children. Thus there were the son and heir apparent and governor, Francis lord Ploeyden, baron of Mount Royal, an extensive manor on Elk river, and Thomas lord Ploeyden, high admiral, baron of Roymount, a manor on the Delaware bay, in the vicinity of Lewistown; and the lady Winifred, baroness of Uvedale in Websneck, deriving its name from its abundance of grapes, producing the Thoulouse, Muscat, and others.

From circumstances, it is probable that this New Albion company sent out agents, who visited different portions of the province, and that some of them established themselves there; that the Palatine himself and some of his friends, with whom was Plantagenet, sought temporary cover from the storms of civil war in England, amid the American wilds; that a fort named *Eriwomec* was erected at a stream called *Pensouken*, next below Rancocas, on the Jersey shore, and that a considerable settlement was made at *Watcessi*, or *Oijtsessing*, at or near the present site of Salem.* These settlements were probably broken up by the united force of the Dutch and Swedes. No vestige of them now remains, and all the knowledge we possess in relation to them is conjectural.†(1)

Trumbull, in his history of Connecticut, informs us "that in 1640 some persons at New Haven, by captain Nathaniel Turner, their agent, purchased for thirty pounds sterling a large tract of land, for a number of plantations, on both sides of Delaware bay or river, with a view to trade, and for the settlement of churches in gospel order and purity: that the colony of New Haven erected trading houses upon the lands, and sent nearly fifty families to make settlements upon them;

* New Albion. Barker's Address. † Smith's History of New Jersey. Bescryvinge van Virginie, Nieu Nederlandt, &c. Pennsylvania Register, 1828, vol. iv.

(1) See Appendix, Note E, for a further account of New Albion. The curious reader will find the work of Plantagenet in the Philadelphia Library, No. 1019, octavo.

and that settlements were made under the jurisdiction of New Haven, and in close combination with that colony, in all their fundamental articles."

This account, like many others relating to the Connecticut claims on the Delaware, is to be received with great caution. It is highly improbable, that fifty families from New Haven were, at this time, seated upon that river. We gather, however, from the complaints of the Connecticut traders, that they visited the Delaware for the purposes of trade, and that they were expelled by the Swedes and Dutch, under Kieft, in 1642; their trading house (if any they had) destroyed, their goods confiscated, and their persons imprisoned. The commissioners of the united colonies, upon an investigation of the facts, directed governor Winthrop to remonstrate with the Swedish governor, and to claim indemnity for the losses sustained, amounting (damages for imprisonment included, we presume,) to one thousand pounds.* Winthrop addressed letters to Kieft and Printz, but received no satisfactory answer. At an extraordinary meeting of the commissioners in 1649, the general court of New Haven proposed for consideration, the propriety of speedily planting the Delaware bay. But the commissioners, deeming it imprudent by any public act to encourage the settlement of lands alleged to have been purchased there, refused to countenance any attempt for that purpose; but declared that the New Haven merchants might improve or sell the land they had purchased as they should see cause.† The conduct of the Dutch to these merchants, formed a part of the grievances submitted to the delegates from Stuyvesant and the united colonies, in September, 1650, when the New England colonies claimed a right to the Delaware, under their patents, and by purchases from the Indians; the price of the latter we have already stated. These delegates, for want of sufficient light, concluded to leave both parties at liberty to improve their interests on that river.

* Trumbull's Connecticut. Proceedings N. E. Commissioners, 1643.
† Trumb. Con. vol. i. Record of the United Colonies.

Encouraged by this declaration, the inhabitants of New Haven and its vicinity fitted out, in the following year, a vessel with fifty adventurers, designed to make settlements on the Delaware. This vessel stopped at New York, and, the object of her voyage being communicated to governor Stuyvesant, he arrested and confined a part of the crew, and, obtaining possession of their commission and other papers, refused to re-deliver them, until the adventurers consented to return to New Haven. He threatened, that, should he discover any of them upon the Delaware, he would send them prisoners to Holland, and that he would resist their encroachments in that quarter even to bloodshed.

But the colony of New Haven was not disposed to abandon her pretensions under these threats. She brought the subject again before the commissioners of the united colonies, in 1654, and obtained from them a letter to the Dutch governor, in which the rights alleged by the Dutch and Swedes, are very summarily disposed of, "as their own mistake, or at least the error of them that informed them," whilst the rights of the people of New Haven appeared "so clear, that they could not but assert their just title to their lands, and desire that they might peaceably enjoy the same." This letter produced no other effect than others which had been previously written. The colony of New Haven submitted very impatiently to these obstacles, and would have removed them by force of arms, had her sister colonies been disposed to involve themselves in hostilities. She applied, in 1651, to the Plymouth colony for aid against such as should oppose her in settling a plantation upon the Delaware, but the Plymouth people shortly replied, that "they did not think it meet to answer their desire in that behalf, and that they would have no hand in any such controversy." Deprived of all hopes of effectual assistance from their neighbours, the traders of New Haven were compelled to remain at peace. The country was soon after granted to the duke of York, and their pretensions were too feebly sustained by justice, to allow them to be arrayed against the duke's title. Hence, for

near a hundred years, no claim to lands in Pennsylvania was made by Connecticut.

The governor of New Netherlands had always found the New England colonists troublesome neighbours. Their encroachments had given him much uneasiness. In the year 1653, they formed the design of driving the Hollanders from the continent, and applied to Oliver Cromwell for assistance. Although favourably disposed to this measure, the protector, perhaps deterred by more important objects, did not make any efforts to accomplish it. After his death, his son Richard instructed his naval commanders and the colonial governments to make the attempt; but the subversion of his ephemeral power prevented the execution of his orders. Charles II., however, influenced by his enmity to the States General, entered readily into the views of his trans-atlantic subjects. He granted to James, duke of York, the territory possessed by the Dutch,* and soon after, colonel Richard Nichols, associated with George Cartwright, sir Robert Carr, and Samuel Maverick, with three ships, having one hundred and thirty guns and six hundred men, aided by forces from Massachusetts and Connecticut, summoned Stuyvesant to surrender New Amsterdam and his whole province. (1)

This formidable force, and the favourable terms offered to the inhabitants, disposed them to capitulate, notwithstanding the efforts of the governor to excite resistance. After a few days of fruitless negotiation, during which Stuyvesant pleaded in vain the justice of the title of the States General, and the peace existing between them and the English nation, a capitulation was signed,† and, immediately afterwards, a force was despatched to reduce fort Orange. In honour of the duke of York, the city of New Amsterdam received the name of New York, and fort Orange that of Albany. The greater part of the inhabitants submitted cheerfully to the new government, and governor Stuyvesant retained his property, and closed his life in New York.

* 20th March, 1664. (1) See Appendix, for the boundary of country granted to the duke of York. † 27th August.

Sir Robert Carr, with two frigates, and the troops not required at New York, was sent to compel the submission of the inhabitants on the Delaware, which he effected with the expenditure of two barrels of powder and twenty shot.* By articles of agreement, signed Garrett Saunders, Vautiell, Hans Block, Lucas Petterson, and Henry Cousturier, it was stipulated, that "the burgesses and planters submitting themselves to his majesty, should be protected in their persons and estates; that the present magistrates should continue in their offices; that permission to depart the country should be given within six months to any one desirous thereof; that all people should enjoy liberty of conscience in church discipline as formerly; and that any person taking the oath of allegiance, should become a free denizen, and enjoy all the privileges of trading into any of his majesty's dominions, as freely as any Englishman."

The whole country having been thus conquered without bloodshed, colonel Nichols, by virtue of a commission from the duke, assumed the government at New York. In the latter end of October,† he was commissioned by his associates, Cartwright and Maverick, to repair to Delaware bay, to establish the government there, by deputing such officers and taking such measures as he might deem necessary. It does not appear, however, that he made the visit; and the affairs of the Delaware settlements were conducted by the ancient magistrates, under the supervision of captain John Carr, until the year 1668; during which, Carr's authority was recognised, and a council was appointed by him, consisting of Hans Block, Izrael Holme, Peter Rambo, Peter Cock, and Peter Aldrick, with instructions, that in all matters of difficulty and importance, they should have recourse, by way of appeal, to the governor and council of New York.

The capture of New York and its dependencies led to an European war between Great Britain and Holland, ending in the treaty of Breda, at which the right of the former to

* MS. copy of New York Records, in secretary's office at Harrisburg. 1st of October. † Oct. 24.

their newly acquired territories in America was acknowledged.*

Colonel Nichols governed the province for nearly three years with justice and good sense. He settled the boundaries with the Connecticut colony, which, yielding all claim to Long Island, obtained great advantages on the main, pushing its line to Marmaroneck river, about thirty miles from New York: he prescribed the mode of purchasing lands from the Indians, making the consent of the governor requisite to the validity of all contracts with them for the soil, and directing such contracts to be entered in the public registry: he incorporated the city of New York, under a mayor, five aldermen, and a sheriff:† and, although he reserved to himself all judicial authority, his administration was so wise and impartial, that it enforced universal praise.

Colonel Francis Lovelace succeeded colonel Nichols, in May, 1667. By proclamation, he required that all patents granted by the Dutch, for lands upon the Delaware, should be renewed, and that persons holding lands, without patent, should take out titles under the English authority. Power was given to the officers on the Delaware to grant lands, and the commission of surveyor-general, of all the lands under the government of the duke of York, on the west side of the Delaware, was issued to Walter Wharton. Governor Lovelace also renewed the duty of ten per cent. imposed on goods imported by the Delaware, which had been established by the Dutch, and repealed by his predecessor; but it was found so oppressive, that he also was compelled to revoke the order by which it was established.

A feeble attempt at rebellion against the English government, was made by a Swedish adventurer, called the Long Finne, whose name was Marcus Jacobson, but who assuming to be the son of Koningsmarke, a distinguished Swedish general, traversed the country, uttering seditious speeches, and exciting the people to insurrection. We are uninformed of the true nature of this man's character and designs. It is

* July 10, 1667. † June 12, 1665.

probable that he proposed, by the aid of the Indians, to overthrow the English power on the Delaware, and to re-establish that of his own countrymen. He succeeded in seducing many from their allegiance, among whom were men of consideration and property. Henry Coleman, a Finne, who became his chief follower, was well versed in the English and Indian tongues, and "deserted his home, his cattle, and corn," to promote the enterprise; and, from a letter of governor Lovelace, we are informed that a Domine, or clergyman, was also concerned with the Long Finne. The governor issued a proclamation, commanding the arrest of Long Finne, Coleman, and their associates; but, as they kept much with the Indians, their capture was difficult. At length the former was apprehended, tried, and convicted, by a commission sent from New York, and sentenced to death. But the council at New York changed his sentence, and doomed him to be severely whipped, branded with the letter R upon his breast, imprisoned for one year, and to be transported to Barbadoes, and sold as a slave for four years.* His principal associates were required to give security for their future good conduct, and to pay the value of half their goods and chattels to the king; others of less note were fined in small sums, at the discretion of the commissioners.

Some assassinations of the whites by the Indians, particularly of some servants belonging to William Tomm, an Englishman, who had the confidence, and was frequently employed by the governor, induced the latter to give directions for repairing the forts and putting the people into a state to sustain an Indian war. The murderers were soon afterwards discovered, but the measures of the governor not being yet sufficiently matured, he did not venture to prosecute them to extremity. The Indians ascribed these and other outrages to the use of ardent spirits; and earnestly desired that the sale of strong liquors to them might be entirely prohibited. But it does not appear that the whites were willing to purchase freedom from those disorders, at the sacrifice of their profits

* MS. documents. Smith's New Jersey. Proud.

on the sale of rum, and soon after, they were alarmed by additional murders. Two Dutchmen, resident on the island of Matiniconk,* were killed by two Indians, belonging to a tribe of the Maquas, consisting of fifty or sixty warriors, on the east side of the river, on whom was charged all the mischief done by the Indians for many years. This last murder seems to have been caused by some wild superstition, which inflamed an Indian named *Tashiowycan.* The savage, having lost a beloved sister by death, expressed great grief, and declared, "*that the Mannetto having killed his sister, he would go and kill the Christians;*" and taking with him a companion, they together committed the barbarous act.†

These repeated offences confirmed the resolution of governor Lovelace, to chastise the Indians. The murderers were demanded, and their surrender promised, but delayed. Instructions were given to captain James Carteret, governor of New Jersey, to convene an assembly of his people, and ascertain their ability and disposition to aid in the war which had been resolved on. Orders were sent to William Tomm, who was then vested with authority over the higher settlements on the Delaware, to forecast the best means for conducting the war, to have the grain and cattle from the frontier plantations collected into places of safety, and to withdraw the inhabitants into places of defence, and form them into militia companies; and, at the same time, to cover his designs from the Indians, by the maintainance of friendly appearances towards them. The anger of the governor was further excited by another murder, committed by this Maquas tribe, upon a woman at Paules Hook. A council holden at Elizabethtown, however, deemed the season too far advanced for the commencement of hostilities; but authorized the magistrates to treat with the Susquehanna Indians, and with such others as could be induced to coalesce against the murderers. These prudential measures were warranted, by the supposition that

* This island must not be taken for Tenna Kong or Tinnicum. It was higher up the river, and I think is that below Bordentown, known as Newbold's island. † MS. Documents.

the tribes near the Delaware, in unity with the Maquas, could muster a thousand warriors.*

But, fortunately for the European inhabitants on the Delaware, the Indian sachems were induced, by a sense of justice or dread of war, to deliver up the known murderers. A part of the sachems convened at the house of Mr. Rambo, and sent for Tomm and others, and promised within six days to bring in the criminals, dead or alive. They accordingly sent two Indians to take them, who visited Tashiowycan's wigwam in the night. He asked one of them, who was his particular friend, if he intended to kill him? His friend replied, "*No; but the sachems have ordered you to die.*" "What," returned Tashiowycan, "say my brothers?" "They also say you must die," was the response. "Then," cried he, holding his hands before his eyes, "kill me." Upon the instant, one of the executioners, not his friend, however, shot him through the body with two balls, and completed his death by several strokes with the tomahawk on the head. His body was taken to Newcastle, where it was hung in chains. Roman fortitude and courage may have equalled, but not exceeded, the exhibition of this untutored savage. Tashiowycan might have escaped all punishment. Wywaanna, the partner of his guilt, had learned the design of the sachems, and communicating it to his comrade, urged him to fly instantly to the woods. But his spirit could not submit to an ignominious flight; and bidding his informer seek his own safety, or wait until the next day, he turned to his cabin. Wywaanna, who heard the shot which prostrated his friend, fled to a distant tribe, where he found concealment and protection.†

The town of Newcastle was this year incorporated.‡ Its officers, a bailiff and six assistants, were empowered to try causes not exceeding ten pounds in value. The English laws were established in the town and on both sides of the Delaware. The office of schout was converted into that of sheriff for the corporation and river, to be chosen annually: and the

* MS. documents. ' Smith's New Jersey. † MS. documents.
‡ May 17.

traders were freed from the burdensome duty of entering their vessels and goods at New York, as had been hitherto the practice. Peter Alricks was chosen first bailiff and principal civil magistrate of the town and settlements on the river; and captain Edmund Cantwell was appointed high sheriff.*

The fears of the government of Maryland, lest the title of lord Baltimore to the country on Delaware bay should be weakened by non-claim, produced occasional irruptions of a very hostile character. About this time a party, headed by one Jones, made an incursion on Lewistown, where he was aided by Daniel Brown, an inhabitant. They seized on the persons and property of the magistrates and others, and plundering the latter, carried off their booty. Brown was soon after apprehended and sent to New York, tried and convicted; but promising amendment, and giving security for his good behaviour, was dismissed. Governor Lovelace remonstrated with the governor of Maryland upon this aggression, and gave instructions to his deputy to resist future invasions. But the Marylanders held possession of the Hoarkill, until April of the succeeding year, when, by order of the council at New York, the officers and magistrates repossessed themselves of this portion of the duke's territory.

The subserviency of Charles II. to the French court, and his hatred towards Holland, led that monarch to declare war against the States General,† for the most frivolous reasons. Dutch privateers soon infested the American coasts, and the inhabitants of Newcastle and the Hoarkill sustained considerable losses by their depredations. To repair these, they were permitted by the government to impose, for one year, a duty of four guilders on each anchor of strong liquors imported, payable in wampum. Wampum was the chief currency of the country, of which it was now drained by the Indians. To increase its value, the governor and council of New York issued a proclamation in 1673, commanding that "instead of eight white and four black, six white and three

* MS. documents. † 17th March.

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black should pass for a stiver; and three times so much the value in silver.*" (1)

On the 30th July a squadron of ships, under the command of Cornelius Evertse and Jacob Benke, recaptured New York, without opposition. This easy victory was ascribed to the treachery of captain John Manning, who commanded the fort at the Narrows. He was afterwards tried on this and other charges, and his sentence is a curiosity in military jurisprudence. The court martial declared "that though he deserved death, yet, because he had, since the surrender, been in England, and had seen the king and duke of York, it was adjudged that his sword be broken over his head in public, before the city hall, and himself rendered incapable of wearing a sword and of serving his majesty for the future, in any public trust in the government."†

Measures were immediately taken to establish the authority of the Dutch over the whole province, by summoning the magistrates from all parts to swear allegiance to the States General. Alricks, chief bailiff of Newcastle obeyed this summons with such alacrity, and displayed so much devotion to the Dutch interest, as to give deep offence to the English, which was remembered when they again acquired possession of the colony. Captain Anthony Colve was appointed governor by the commodores of the squadron, and continued to exercise that office, until the country was restored to the English, by the treaty of Westminster.‡

On the 29th June the duke of York obtained a new patent from the king, for the lands granted him in 1664, and two days afterwards appointed major, afterwards sir Edmund, Andross governor of his territories in America, which were surrendered to him by the Dutch upon the 31st of October following. Andross authorized captain Edmund Cantwell and William Tomm to possess themselves of the fort and stores at Newcastle for the king's use, and take proper measures to establish order and tranquillity on the Delaware.

* MS. documents. Smith's New Jersey. (1) For an account of wampum, see Note F, Appendix. † Smith's New York. ‡ 1674, 9th February.

The magistrates in office, with the exception of Alricks, were continued; and, subsequently, Cantwell was re-appointed sheriff, and Tomm made secretary, and clothed with the chief powers of government.

During the last possession of the Dutch, the western shore of the Delaware was divided into three judicatories: one at Upland, now Chester, having jurisdiction of the "country up the river Delaware," and entitled the "jurisdiction of Delaware river and its dependencies;" another at Newcastle, and the third at Hoarkill. (1) These judicatories were maintained by Andross, who appointed commissaries to preside in them respectively. From these courts an appeal lay to the council in New York, composed of the governor, mayor, and aldermen of New York, and of magistrates from Albany, Esopus, Long Island, New Jersey, Pemaquid, and Delaware; and it would seem that execution, in cases of large amount, was not granted, except on the order of that body; since we find that a warrant of appraisement was issued by the council, and subsequently an execution, for delivery of the island of Tennakong, the property of Andrew Carr, to Jenffro Armigat Prince, *alias* Pappegoia, who had obtained judgment against him for three thousand guilders.

The intercourse between the whites and Indians was attended with occasional violence on both sides. A Doctor J. Rhoades and his servant man fell victims to the intemperance of the savages, and several other murders occasioned so great an alarm, that Cantwell and other officers urged governor Andross to retaliatory and defensive measures. A new treaty with the several Indian tribes, accompanied with presents, which were returned in new promises of amity, served to remove the fears of the settlers. The conduct of Andross towards the Indians was prudent and just. An Indian having been beaten by a white, in consequence of which he died, the governor earnestly recommended to Cantwell to prosecute the offender. And whatever new acquisition of lands were made, were fairly purchased, at prices satisfactory to the

(1) For the names of the justices, &c. see Note G, Appendix.

vendors. Thus on the 28th of September, of the present year,* a tract of land, "beginning at a certain creek next to the cold spring, somewhat above Martinicom island, about eight or nine miles below the falls, and as far above the falls as the other is below them, or further that way as may be agreed upon, to some remarkable place, for the more certain bounds, with all the islands in Delaware river within the aforementioned limits, both above and below the falls, excepting only one island, known by the name of Peter Alrick's island," was purchased by Andross, on behalf of the duke of York;(1) and, in 1678, he directed Cantwell and a certain E. Herman, to purchase the land then unbought, between the above tract and that which had been purchased below; so that the right of the duke to the whole west shore of the Delaware, settled by Europeans, was justly obtained.

During the administration of sir Edmund Andross, from 1674 to 1681-2, the English laws were generally adopted, except so far as they were altered by a colonial code, prepared from instructions of the duke, and printed and published for the use of New York and its dependencies. Beside the officers we have already mentioned, a military commander, appointed by the governor, held the first rank in the country on the Delaware; and though the civil power appears to have been chiefly exercised by the bailiff, aldermen, and other magistrates, yet the military commander had the general supervision of the territory. This office was successively holden by William Tomm, John Collyer, and Christopher Billop. The land office was continued under the care of Walter Wharton, surveyor-general, and several tracts of land, on both sides of the river, were surveyed for settlers from England. One order from Andross, to Philip Pococke, de-

* 1675.

(1) The following formed the consideration for this purchase, viz., sixty fathom wampum, six duffle coats, six blankets, six coats of dengam, six shirts, half anchor of powder, six guns, six shovels, thirty axes, fifty knives, two anchors of rum, fifty looking-glasses, fifty hoes, twenty pair of stockings, ten pair of shoes, one hundred tobacco pipes, one pound of paint, one hundred awls, and one hundred Jews-harps.

puty surveyor, directed him "to lay out lands on the west side of Delaware, below the falls, for such settlers, proportionably to the hands they have, from the river into the woods, a mile or more, as is practised on the river and in Maryland." The landholders were required, by proclamation, to make returns to the clerks of the courts of their respective jurisdictions, of the quantity, quality, and situation of their lands, that patents might issue, for such as had not been patented.

On the 24th June, 1664, the duke of York granted to John, lord Berkeley, and sir George Carteret, the province of New Jersey, bounded on the east by the Atlantic ocean and Hudson river, on the south by the ocean, on the west by Delaware bay and river, and on the north by a line drawn from the Delaware river at forty-one degrees forty minutes to the Hudson river in forty-one degrees northern latitude. The proprietaries established a wise and liberal system for the government of their country. They declared the most unlimited religious toleration; placed the legislative power in a governor and council, and in an assembly elected annually by the people, convening and adjourning at its pleasure. All laws enacted by the general assembly were to remain in force for one year, unless disapproved by the proprietaries; during which time they were to be submitted for their sanction, and, if approved, they continued during the term for which they were enacted, unless repealed. To the governor and council was confided the execution of the laws; the appointment of all officers, subject to be removed at pleasure; the command of the military, enrolling freeholders only, unless otherwise directed by law; and the power to reprieve criminals, until the will of the proprietors should be known.

A country containing many rich tracts of lands, with a free and liberal constitution, invited inhabitants. Bergen, a town on the eastern coast, founded about 1620, soon became a thriving settlement. To this were added, in a few years, the towns of Elizabeth, Newark, Middletown, and Shrewsbury; around each of which many reputable families, English and Scotch, from Britain, Long Island, and the adjoining colonies,

soon collected. Philip Carteret, brother of sir George, was appointed governor, who, conducting his administration according to the principles of the constitution, gave full scope to the efforts of the people for the attainment of happiness. He cultivated friendly relations with the natives, and purchased their title to the soil for the proprietaries, charging the price proportionately upon the sub-purchasers.

Lord Berkeley, in 1675, sold his undivided moiety of the province to John Fenwicke, in trust for Edward Byllinge. Fenwicke and Byllinge were both members of the society of Quakers. Fenwicke sailed at the close of the year, with his family, companions, and servants, for the bay of Delaware. He landed and settled at a fertile and pleasant spot, situated at a short distance from the river, on *Oijtsessing* or Hog creek, to which he gave the name of Salem.

The assumption of proprietary rights in New Jersey, by Fenwicke, gave great umbrage to governor Andross, who forbade his reception in the character of a proprietor,* and directed that he should be treated with civility, and permitted to take up land on the west side of the river, but that no intercourse should be allowed him with the eastern shore. These orders were not obeyed, since Fenwicke was suffered to proceed unmolested in his plantations, until December of the following year, when he was arrested and carried to New York, under the charge of falsely assuming to be a proprietor, and of selling lands in that character. He was subjected to a temporary confinement, but soon returned to his settlement, where he continued his operations, but was again, by the threats of Andross, compelled to visit New York, and vindicate his title.

Byllinge being involved in pecuniary embarrassments, conveyed his interest in the province to William Penn, Gawen Lawrie, and Nicholas Lucas, in trust for his creditors. The trustees sold proprietary rights to several other persons, and having made, with sir George Carteret, a division of the province, proceeded to frame a constitution for their moiety,

* December, 1675. MS. documents.

under the title of "Concessions and agreements of the proprietors and freeholders of West New Jersey, in America."

This constitution provided for the appointment of commissioners to govern the country, until March, 1680, at which time, and from thence annually, ten commissioners were to be elected, until a general assembly should be chosen. Such general assembly was to be elected as soon as the province should be divided into districts, and was to be renewed yearly. The province to be divided into one hundred proprietaries, each proprietary having one representative. The assembly were empowered to meet and adjourn at pleasure; to elect ten commissioners of state, to administer the government in the recess of the assembly; to make laws not inconsistent with the constitution, and as similar as circumstances would permit to the ancient, primitive and fundamental laws of England; to constitute all courts and the offices connected therewith, limiting the tenure of office to one year; to appoint all officers, except constables and justices of the peace, who were elective by the people. No person was permitted to hold two offices at the same time. There was substituted for the usual oath of office a curious article, requiring each representative to covenant "under his hand and seal to do nothing in his legislative capacity but what should tend to the fit service and behoof" of his constituents, who were permitted to institute an inquiry into his conduct before the next assembly. Each representative was allowed a shilling a day for his services in the assembly, to be paid by the inhabitants of his district, "that thereby he might be known to be the servant of the people."

The dispensation of justice was confided to a jury of twelve men, assisted by three justices or commissioners. The jury determined the cause, and the justices declared their decision, and if they refused, the jury was authorized to pronounce judgment themselves. In all causes, civil and criminal, two witnesses were necessary. In criminal cases, not felonious, the injured party was authorized to compound the offence before, or to remit the penalty after, judgment. Imprison-

ment for debt, on surrender of the property of the debtor, was prohibited.*

The faults of this system of government are radical and glaring. A many-headed executive necessarily engendered jealousy, division, and favouritism, and distracted counsels produced contempt and disobedience. The legislature, composed of one house, was exposed to the evils of precipitation, and, choosing from itself the executive, to intrigue and corruption. Courts without permanent judges, with juries determining the law in all cases, and the fact, disregarded the established rules of jurisprudence, and produced uncertainty in the administration of justice. The limited tenure of office rendered the incumbents unskilful and rapacious. There were, however, some excellent provisions in the constitution. The most entire liberty of conscience was established; the evidences of property were secured by registering offices; and rules for the treatment of the aborigines were framed upon principles of justice and humanity. The love of the proprietors for civil liberty was conspicuous in this instrument; and, had they possessed as much knowledge as zeal, they would have formed a finished system. Its manifold inconveniences led to the surrender of the government, soon after, to the crown.†

In June, 1677, Thomas Olive, Daniel Wills, John Kinsey, John Penford, Joseph Helmsley, Robert Stacey, Benjamin Scott, Thomas Foulke, and Richard Guy, commissioners, appointed by the proprietaries to superintend their interests in the province, arrived at New Castle, with two hundred and thirty settlers, principally Quakers. Having explored the country for many miles along the shores of the Delaware, they made allotments of land among the adventurers at several miles distance from each other. But fear of the natives finally induced the emigrants to settle together, in and about a town plot, laid out by the commissioners, first called Beverley, then Budlington, and afterwards Burling-

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* Letter from Nicholas Lucas, one of the proprietors. 1 Proud, 138.
† 1702.

ton.* In the same year two ships arrived, bearing many families of great respectability. The quiet of the colonists was undisturbed, except by the duty again levied upon their commerce at the Hoarkills, by the New York government. This was vexatious as a tax, and insulting to the sovereignty of the proprietaries, who remonstrated for some time in vain, with the agents of the duke of York; but finally, after an investigation, by commissioners appointed for the purpose, the duty was repealed.

Dispensing with their executive of commissioners, the proprietaries appointed Edward Byllinge governor, who, soon after his arrival in the province, commissioned Samuel Jennings as his deputy. In November, 1681, Jennings called the first assembly, and, in conjunction with them, adopted certain articles, defining and circumscribing the power of the governor, and enacted such laws as the wants of the colony required.

* By the Indians, Chygoes island, from a chief who dwelt upon it.

## CHAPTER II.

Of the aborigines····their origin and progress from the west ····War with, and conquest of the Alligewi····Division of the country between the Lenape and Mengwe nations···· Settlement of the Lenape upon the sea-coast····Enmity between the Lenape and the Mengwe····Union of the Mengwe or five nations····their machinations····Lenape become women····Domination of the Mengwe····Indian population, their extensive connexions, their language····Government and laws····Habits and customs····Religion····Revenge···· Hospitality and honesty.

When the country on the shores of the Delaware, was first trodden by Europeans, it was inhabited by a numerous race of Indians, who received the strangers with kindness, and gave them, in exchange for their toys, land, furs, and food, all which they had to bestow.

It is now impossible to obtain a correct knowledge of the aborigines. Their history, preserved by tradition, is uncertain and mingled with fable. Yet the little which the industry of the missionaries, who have occasionally resided among them, has preserved, gives great scope for speculative inquiry.

Although divided into many tribes, the Indians inhabiting the vast expanse between Canada and Virginia, traced their origin to two sources, the *Lenni Lenape* and the *Mengwe.* The former, known among their derivative nations also by the name of the *Wapanachki,* corrupted by the Europeans into *Openaki, Openagi, Abenaquis,* and *Apenakis,* and among the whites, by the name of Delawares, held their principal seats upon the Delaware river, and were acknowledged by near forty tribes as their "Grandfathers," or parent stock. They relate, that many centuries past, their ancestors dwelt

far in the western wilds of the American continent, but emigrating eastwardly, arrived after many years on the *Namœsi Sipu* (the Mississippi), or river of fish, where they fell in with the Mengwe, who had also emigrated from a distant country, and approached this river somewhat nearer its source. The spies of the Lenape reported the country on the east of the Mississippi to be inhabited by a powerful nation, dwelling in large towns, erected upon their principal rivers.

This people, tall and stout, some of whom, as tradition reports, were of gigantic mould, bore the name of *Alligewi*, and from them were derived the names of the Alleghany river and mountains. Their towns were defended by regular fortifications or intrenchments of earth, vestiges of which are yet shown in greater or less preservation. The Lenape requested permission to establish themselves in their vicinity. This was refused, but leave was given them to pass the river, and seek a country farther to the eastward. But, whilst the Lenape were crossing the river, the Alligewi, becoming alarmed at their number, assailed and destroyed many of those who had reached the eastern shore, and threatened a like fate to the others should they attempt the stream. Fired at the loss they had sustained, the Lenape eagerly accepted a proposition from the Mengwe, who had hitherto been spectators only of their enterprise, to conquer and divide the country. A war of many years duration was waged by the united nations, marked by great havoc on both sides, which eventuated in the conquest and expulsion of the Alligewi, who fled by the way of the Mississippi, never to return. Their devastated country was apportioned among the conquerors; the Mengwe choosing their residence in the neighbourhood of the great lakes, and the Lenape possessing themselves of the lands to the south.

After many ages, during which the conquerors lived together in great harmony, the enterprising hunters of the Lenape crossed the Alleghany mountains, and discovered the great rivers Susquehannah and Delaware, and their respective bays. Exploring the *Sheyichbi* country, (New Jersey,) they arrived on the Hudson, to which they subsequently gave

the name of the *Mohicannittuck* river. Returning to their nation, after a long absence, they reported their discoveries; describing the country they had visited as abounding in game and fruits, fish and fowl, and destitute of inhabitants. Concluding this to be the country destined for them by the Great Spirit, the Lenape proceeded to establish themselves upon the four great rivers, the Hudson, Delaware, Susquehannah and Potomac, making the Delaware, to which they gave the name of *Lenape-wihittuck*, (the river or stream of the Lenape,) the centre of their possessions.*

They say, however, that all of their nation who crossed the Mississippi, did not reach this country; a part remaining behind to assist that portion of their people who, frightened by the reception which the Alligewi had given to their countrymen, fled far to the west of the *Namæsi Sipu.* They were finally divided into three great bodies; the larger, one-half of the whole, settled on the Atlantic; the other half was separated into two parts, the stronger continued beyond the Mississippi, the other remained on its eastern bank.

Those on the Atlantic were subdivided into three tribes; the Turtle or *Unamis*, the Turkey or *Unalachtgo*, and the Wolf or *Minsi.* The two former inhabited the coast from the Hudson to the Potomac, settling in small bodies in towns and villages upon the larger streams, under chiefs subordinate to the great council of the nation. The Minsi, called by the English, Monceys, the most warlike of the three tribes, dwelt in the interior, forming a barrier between their nation and the Mengwe. They extended themselves from the Minisink, on the Delaware, where they held their council seat, to the Hudson on the east, to the Susquehannah on the southwest, to the head waters of the Delaware and Susquehannah rivers on the north, and to that range of hills now known in New Jersey by the name of the Muskenecun, and by those of Lehigh and Coghnewago in Pennsylvania.

Many subordinate tribes proceeded from these, who received names either from their places of residence, or from some

* Heckewelder's account of the Indians.

accidental circumstance, at the time of its occurrence remarkable, but now forgotten. Such were the Shawanese, the Nanticokes, the Susquehannas, the Shackamaxons, the Neshamines, the Mantas, and other tribes, resident in or near the province of Pennsylvania at the time of its settlement.

The Mengwe hovered for some time on the borders of the lakes, with their canoes in readiness to fly should the Alligewi return. Having grown bolder, and their numbers increasing, they stretched themselves along the St. Lawrence, and became, on the north, near neighbours to the Lenape tribes.

The Mengwe and the Lenape, in the progress of time, became enemies. The latter represent the former as treacherous and cruel, pursuing pertinaciously an insidious and destructive policy towards their more generous neighbours. Dreading the power of the Lenape, the Mengwe resolved, by involving them in war with their distant tribes, to reduce their strength. They committed murders upon the members of one tribe, and induced the injured party to believe they were perpetrated by another. They stole into the country of the Delawares, surprised them in their hunting parties, slaughtered the hunters, and escaped with the plunder.

Each nation or tribe had a particular mark upon its war clubs, which, left beside a murdered person, denoted the aggressor. The Mengwe perpetrated a murder in the Cherokee country, and left with the dead body a war club bearing the insignia of the Lenape. The Cherokees, in revenge, fell suddenly upon the latter, and commenced a long and bloody war. The treachery of the Mengwe was at length discovered, and the Delawares turned upon them with the determination utterly to extirpate them. They were the more strongly induced to take this resolution, as the cannibal propensities of the Mengwe had reduced them, in the estimation of the Delawares, below the rank of human beings.*

Hitherto each tribe of the Mengwe had acted under the direction of its particular chiefs; and, although the nation could

* The Iroquois or Mengwe sometimes ate the bodies of their prisoners. *Heckewelder*, 2 N. Y. Hist. Col. 55.

not control the conduct of its members, it was made responsible for their outrages. Pressed by the Lenape, they resolved to form a confederation which might enable them better to concentrate their force in war, and to regulate their affairs in peace. Thannawage, an aged Mohawk, was the projector of this alliance. Under his auspices, five nations, the Mohawks, Oneidas, Onondagoes, Cayugas, and Senecas, formed a species of republic, governed by the united counsels of their aged and experienced chiefs. To these a sixth nation, the Tuscaroras, was added in 1712. This last originally dwelt in the western parts of North Carolina, but having formed a deep and general conspiracy to exterminate the whites, were driven from their country, and adopted by the Iroquois confederacy.* The beneficial effects of this system early displayed themselves. The Lenape were checked, and the Mengwe, whose warlike disposition soon familiarized them with fire arms, procured from the Dutch, were enabled, at the same time, to contend with them and to resist the French, who now attempted the settlement of Canada, and to extend their conquests over a large portion of the country between the Atlantic and the Mississippi.

But, being pressed hard by their new, they became desirous of reconciliation with their old enemies; and, for this purpose, if the tradition of the Delawares be credited, they effected one of the most extraordinary strokes of policy which history has recorded.

The mediators between the Indian nations at war are the women. The men, however weary of the contest, hold it cowardly and disgraceful to seek reconciliation. They deem it inconsistent in a warrior to speak of peace with bloody weapons in his hands. He must maintain a determined courage, and appear at all times as ready and willing to fight as at the commencement of hostilities. With such dispositions, Indian wars would be interminable, if the women did not interfere, and persuade the combatants to bury the hatchet and make peace with each other. On these occasions, the

* Smith's New York. Dougl. Summ.

women pleaded their cause with much eloquence. "Not a warrior," they would say, "but laments the loss of a son, a brother, or a friend. And mothers, who have borne with cheerfulness the pangs of child-birth, and the anxieties that wait upon the infancy and adolescence of their sons, behold their promised blessings crushed in the field of battle, or perishing at the stake in unutterable torments. In the depth of their grief, they curse their wretched existence, and shudder at the idea of bearing children." They conjured the warriors, therefore, by their suffering wives, their helpless children, their homes, and their friends, to interchange forgiveness, to cast away their arms, and, smoking together the pipe of amity and peace, to embrace as friends those whom they had learned to esteem as enemies.

Prayers thus urged seldom failed of their desired effect. The function of the peace maker was honourable and dignified, and its assumption by a courageous and powerful nation could not be inglorious. This station the Mengwe urged upon the Lenape. "They had reflected," they said, "upon the state of the Indian race, and were convinced that no means remained to preserve it unless some magnanimous nation would assume the character of the WOMAN. It could not be given to a weak and contemptible tribe; such would not be listened to: but the Lenape and their allies would at once possess influence and command respect."

The facts upon which these arguments were founded, were known to the Delawares, and, in a moment of blind confidence in the sincerity of the Iroquois, they acceded to the proposition, and assumed the petticoat. The ceremony of the metamorphosis was performed with great rejoicings at Albany, in 1617, in the presence of the Dutch, whom the Lenape charge with having conspired with the Mengwe for their destruction.

Having thus disarmed the Delawares, the Iroquois assumed over them the rights of protection and command. But still dreading their strength, they artfully involved them again in war with the Cherokees, promised to fight their battles, led them into an ambush of their foes, and deserted them.

The Delawares, at length, comprehended the treachery of their arch enemy, and resolved to resume their arms, and, being still superior in numbers, to crush them. But it was too late. The Europeans were now making their way into the country in every direction, and gave ample employment to the astonished Lenape.

The Mengwe deny these machinations. They aver, that they conquered the Delawares by force of arms, and made them a subject people. And, though it be said they are unable to detail the circumstances of this conquest, it is more rational to suppose it true, than that a brave, numerous, and warlike nation should have voluntarily suffered themselves to be disarmed and enslaved by a shallow artifice; or that, discovering the fraud practised upon them, they should unresistingly have submitted to its consequences. This conquest was not an empty acquisition to the Mengwe. They claimed dominion over all the lands occupied by the Delawares, and, in many instances, their claims were distinctly acknowledged.* Parties of the Five Nations occasionally occupied the Lenape country, and wandered over it at all times at their pleasure.

There is no data upon which a correct estimate may be made of the numbers of the Indians inhabiting the present state of Pennsylvania, at the time of which we now treat. But, when Virginia was discovered, it was supposed to have a population of one soul for every square mile. Upon this ratio, probably much too great, Pennsylvania must have contained forty-seven thousand.

Whatever credit may be due to the traditions of the Lenape, relative to their migration from the west, there is strong evidence in support of their pretensions to be considered as the source whence a great portion of the Indians of North America was derived. They are acknowledged as the "grandfathers," or the parent stock, of the tribes that inhabited the extensive regions of Canada, from the coast of Labrador to the mouth of the Albany river, which empties into the southernmost part

* See Note H, Appendix.

of Hudson's bay, and from thence to the Lake of the Woods, the northernmost boundary of the United States; and also by those who dwelt in that immense country, stretching from Nova Scotia to the Roanoke, on the sea-coast, and bounded by the Mississippi on the west. All these nations spoke dialects of the Lenape language, affording the strongest presumption of their derivation from that stock. The tribes of the Mengwe interspersed throughout this vast region are, of course, excepted. They were, however, comparatively few in number.

Their language is said to be rich, sonorous, plastic, and comprehensive in the highest degree. It varies from the European idioms chiefly in the conjugation of the verbs, with which not only the agent and patient may be compounded, in every possible case, but the adverbs are also blended; and one word is made to express the agent, the action, with its accidents of time, place, and quantity, and the object effected by them. And, though greatly pliant, it is subjected to rules, from which there are few exceptions. It has the power of expressing every idea, even the most abstract. The Old and New Testaments have been translated into it, and the Christian missionaries have no difficulty, as they assert, of making themselves understood on all subjects by the Indians.

A cultivated language usually denotes great civilization. But our aborigines seem to have confined their efforts to the improvement of their speech. This was a consequence naturally flowing from their form of government and political institutions, in which the most absolute liberty prevailed. The public welfare was confided to the aged and experienced chiefs, whose resolutions were obeyed in full conviction of their wisdom. They have no law but public opinion, and the redress of injuries belongs to the injured. Among such a people, particularly, eloquence is the handmaid of ambition, and all power must depend upon the talent of persuasion. To this cause, we may ascribe the cultivation, and the many beauties, which are said to mark the Indian tongues of North America.

In other respects, these tribes had advanced little beyond

the rudest state of nature. They had no written language, unless rude drawings may be thus considered. Their intercourse with each other was regulated by a few simple rules of justice and courtesy. Their passions generally preserved an even and moderate tenor; but, occasionally, becoming intense, they produced enormous crimes, or deeds of heroism. In the commerce of the sexes, love, as a sentiment, was almost unknown. Marriage was a physical convenience, continued by the will of the parties, either sex having the power to dissolve it at pleasure. The treatment of the women, however, if not marked by tenderness, was not cruel. A full proportion of labour, it is true, was imposed upon them, but it was of that kind which necessarily falls to their lot, where the men are absent from their homes in search of sustenance for their families: it consisted of domestic and agricultural services. Children were educated with care in the knowledge of the duties and employments of their future life. Their lessons were taught in a kind and familiar manner, their attention awakened by the hope of distinction, and their efforts rewarded by general praise. Threats nor stripes were ever used. Lands and agricultural returns were common property; peltries and the other acquisitions of the chase, belonged to individuals.

Their religion was simple, and, according to the disposition of those who regard it, may be considered as evidence of their purity and strength of mind, or of the nakedness and barrenness of their genius. They believed in a Great Spirit, the creator and ruler of all things, who, by subordinate, dependent, and invisible agents, directed the conduct of men; who rewarded the good and punished the evil; and who had provided a future state, where the virtuous enjoyed a perpetuity of the pleasures which this life had afforded them, and of which the wicked are deprived. They worship this Great Spirit with prayers, and thanksgiving, and with sacrifices.

The strongest passion of an Indian's soul is revenge. To gratify it, distance, danger, and toil are held as nothing. But there is no manliness in his vengeance. He loves to steal

upon his enemy, in the silence of the forest, or in his midnight slumbers, and to glut himself, like a ravenous wolf, in undistinguished slaughter. In war, not even the captive was spared, unless he were adopted to supply the place of a deceased member of the capturing nation. If not thus preserved, he was destined to perish, in protracted torture, under the hands of women and children. On the other hand, hospitality and respect for the property of others, were their distinguishing virtues. Strangers were treated with great attention and kindness, their wants liberally supplied, and their persons considered sacred. To the needy and suffering of their own tribes they cheerfully gave; dividing with them their last morsel. Theft in their communities was rare, and is said to have been almost unknown before their acquaintance with the whites.*

* I have adopted Heckewelder and other Moravian missionaries for my guides in this account of the Indians. But it will be perceived that I have not given to them their favourable colouring.

## CHAPTER III.

Claims of the duke of York····William Penn····His views in purchasing trans-Atlantic territory····Purchase from the crown···Boundaries····Charter····Observations on the charter···Declaration of the king···Measures of Penn to people his province·····First adventurers····Conduct of the proprietary towards the Indians····Frame of government···Territories on the Delaware···Purchase from the duke of York.

The claim of the Dutch extended to the river Delaware and the adjacent country. But the first grant of Charles II. to the duke of York, was bounded by the east side of that river only; yet the latter possessed himself of its western shores, and claimed, under his charter, all the territory now forming the states of Pennsylvania and Delaware. The claim to the latter, however, was covered by a second charter, granted in 1674. Under the dominion of princes absorbed, the one in acquiring and consolidating despotic power, the other in converting a nation to a religion it detested, these fruitful regions might have continued much longer only to yield subsistence to a handful of Europeans, and an inconsiderable number of wild and untaught inhabitants, had not the genius and zeal of a private individual, prepared a speedy way for the reception of a dense and civilized population.

William Penn, son and heir of sir William Penn, as one of the trustees of Byllinge, had been actively engaged in colonizing west New Jersey, and subsequently, as a purchaser, in the improvement of the eastern division of that province. He thus obtained a knowledge of the country on the western side of the river Delaware. From this accidental introduction to the new world, sprang his design of founding a commonwealth, on principles of perfect equality, and of universal

toleration of religious faith.* To establish for the persecuted Quakers a secure asylum, to form a people whose morals should correspond with the purity of the faith they professed, and to demonstrate that the use of arms was unnecessary for the protection of civil society, were Penn's favourite objects in becoming an American proprietary.† Though an enthusiastic sectary, the propagation of his religious opinions was a secondary consideration. He had formed a plan of civil government, which he desired to submit to the test of experience. He anticipated, perhaps, greater moral and political perfection for his colony, than a just estimate of human nature would warrant; yet he succeeded in laying the foundations of a state, whose wise institutions and extraordinary prosperity have secured him an honourable and perpetual fame.

Sir William Penn was justly a favourite with the king and the duke of York; more especially with the latter, under whom he had greatly distinguished himself, in the naval engagement with the Dutch, on the third of June, 1664. On his death-bed he obtained from the duke his promise to support and protect his son; which the latter redeemed, by the assistance he gave to William Penn's American enterprise, and by his constant and zealous friendship during life. Under such auspices, the future proprietary found no difficulty to obtain a grant of a large tract of land in America, in consideration of a debt of sixteen thousand pounds, due to him in

* In a letter from Penn to R. Turner, written about the time he obtained his patent, there is the following passage: "This I can say, that I had an opening of joy as to these parts in the year 1661, at Oxford, twenty years since; and as my understanding and inclinations have been much directed to observe and reprove mischiefs in government, so it is now put into my power to settle one. For the matters of liberty and privilege, I purpose that which is extraordinary, and leave myself and successors no power of doing mischief, that the will of one man may not hinder the good of the whole country." It would seem, from this quotation, that he had early in life some fugitive ideas of a trans-Atlantic settlement. I nevertheless am of the opinion, that his views were determined by his New Jersey associations, as stated in the text.

† Oldmixon Am. Emp. Anderson's Origin of Commerce. 1 Clarkson's Life of Penn. 1 Proud, 5. Letter of Penn. 1 Proud, 169.

right of his father, from the government. Before the patent issued, due care was taken that it should not affect the rights of the duke, or of lord Baltimore, both of whom were interested in territories adjacent to those about to be granted to Penn.* The charter bore date March 4th, 1681. The inducements to the grant were therein declared to be, the merits of Admiral Penn, the extension of the British empire, and the conversion of the savage nations to civilized life and the Christian religion. The king himself named the province Pennsylvania, against the wishes of the proprietary, who desired that it might be called New Wales.†

The following boundaries were given by the charter. "On the east by Delaware river, from twelve miles distance northwards of Newcastle town, unto the three and fortieth degree of northern latitude, if the said river doth extend so far northward, but if the said river shall not extend so far northward, then by the said river so far as it doth extend; and from the head of the said river the eastern bounds are to be determined by a meridian line, to be drawn from the head of the said river unto the said forty-third degree. The said land to extend westward five degrees in longitude, to be computed from the eastern bounds; and the said lands to be bounded on the north by the three-and-fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from Newcastle, northward and westward, unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward to the limits of longitude above mentioned."

The free use of all ports, bays, rivers, and waters of the province, and of their produce, and of all mines, and the fee of the soil, were granted to William Penn, to be holden in soccage tenure, yielding ten beaver skins annually, and one-fifth of the gold and silver discovered, to the king. The proprietor was empowered to enact laws with the assent of the freemen of the province; to appoint judges and other officers;

* Clarkson's Life of Penn. Minutes of Council of Pennsylvania.

† Clarkson. Penn's Letter to R. Turner, 5th March, 1681. Mem. His. Soc. Penn. 1 vol. 201.

to pardon crimes, murder and treason excepted; to grant reprieves in all cases until the pleasure of the king were known; to make ordinances (not affecting the persons or property of individuals) in cases requiring a prompt remedy, when the freemen could not be conveniently assembled; to divide the province into towns, hundreds, and counties; to incorporate towns, boroughs, and cities; to erect manors; to constitute fairs and markets, ports and harbours, at which the officers of the king's customs were to have free admission; to levy duties on imports and exports, saving to the king such duties as should be laid by act of parliament; to alienate any part of the province, the purchasers to hold by soccage tenure immediately of him and not of the king. He was clothed with the powers of captain-general, and authorized to levy troops, and to make war by sea and land against neighbouring barbarous nations, pirates, or robbers. He was required to keep an agent in or near London, to answer for any misdemeanor on his part, against the laws regulating trade and navigation; and, in case of such misdemeanor, if reparation were not made within one year, the king might seize and retain the government until compensation should be made. He was forbidden to hold correspondence with any power at war with England, or to make war against any nation in amity with her.

It was provided that the laws of England regulating property, defining crimes, and prescribing punishments, should continue in force, until altered by the provincial legislature; and that duplicates of the colonial laws should be transmitted to the privy council, within five years after their enactment, and, if not disapproved within six months after delivery, that they should continue in force: that appeals from the decrees of the courts in civil cases might be made to the king in council: that English subjects might freely transport themselves to the province; and that the colonists might import every species of merchandise from England, and that they should confine their exports to England alone.

The king was restrained from imposing any tax or custom on the inhabitants, their lands, or goods, unless by the con-

sent of the proprietary, or chief governor, or by the assembly, *or by act of parliament in England.*

In case twenty of the inhabitants should desire of the bishop of London to send a preacher to reside in the province, he was to be permitted to perform his functions without molestation. And, lastly, if any difference should arise, concerning the meaning of the charter, it was to be construed in a manner most favourable to the proprietary.

The spirit of freedom, which breathes through this charter, is at variance with the character of its grantor, and with his policy towards the colony of Massachusetts; particularly in the independence of regal control permitted to the legislative power. The controversies which grew out of the loose and indigested charters of the New England provinces, occasioned, in framing this instrument, a greater care in defining the powers conceded, and preserving the supremacy of the parent state, than would, in other circumstances, have been bestowed upon it. It was originally draughted by Penn, from the charter of Maryland, framed by sir George Calvert, secretary of state to James the first, and was revised by the lord chief justice North, and the attorney-general, sir William Jones, who added two important clauses. The one saving to parliament the power to levy taxes, and generally to legislate for the country; and the other requiring a copy of the colonial laws to be sent to England, for the approbation of the privy council; neither of these is found in the Maryland charter.*

The estate in the soil, granted to the proprietary, was a feudal, not an allodial one. It had the chief incident of the feudal system, forfeiture for want of heirs, and for corruption of blood; and Pennsylvania might be considered a feudal seignory, divested of the burdens of the feudal law, and strengthened by such powers of sovereignty, as the distance from the court of the paramount lord, and its peculiar cir-

* Chalmers. A clause in the Maryland charter provides, that the king, "his heirs, or successors, shall at no time set and make, or cause to be set, any imposition, custom, or taxation on the inhabitants of the province, for their lands, goods, tenements, or chattels, within the said province."

cumstances required. The eighteenth section of the charter relieved the proprietor from the trammels of the statute of "*Quia emptores*," which directed that sub-tenants should hold of the chief lord by the same services as their feoffer; and it enabled him to grant estates, subject to such return as he judged proper.

The legislative authority, placed in the hands of the people, enabled them to secure their freedom and to promote their happiness; and evinced the progress which had been made in political science, since the miserable failures of the first Virginia settlements. Yet the reservations, which were perhaps indispensable to preserve colonial dependence, contained germs of oppression which might one day overshadow the prosperity of the new colony. Its trade was subject to be restrained or sacrificed to the interests of the mother country, and the persons and property of the inhabitants were placed at the mercy of masters, whose distance from the province and ignorance of provincial affairs, rendered them incapable to judge of the resources or wants of the colonists.

The grant was declared to the inhabitants within its boundaries, by the king's proclamation, dated the second of April, 1681, commanding them to pay due obedience to the proprietary, his heirs, assigns, and agents.* Soon after, Penn published an account of his province, with his charter and other documents connected with it, and invited purchasers, at the rate of forty shillings the hundred acres, subject to a quit rent of one shilling per annum for ever. Many persons from London, Liverpool, and Bristol, embarked in his enterprise, and an association, called the "Free traders' society of Pennsylvania," purchased large tracts of land. Articles of agreement between the proprietary and the adventurers were formed, under the title of "Certain conditions or concessions, agreed upon by William Penn, proprietary and governor of the province of Pennsylvania, and those who are the adventurers and purchasers in the same province, the eleventh of July, 1681."† (1)

* Votes of Assembly, Introduction. † Proud. (1) See Note I, Appendix.

This agreement consisted of twenty articles. The first ten provided for the survey of a city plot upon some proper site; the apportionment of city lots to country purchasers; the laying out of roads, and regulation of the country allotments; the assurance to purchasers of the full property of rivers, waters, water-courses, mines, and minerals, and for encouraging the search after gold and silver. The remainder regulated the trade and intercourse between the settlers and the aborigines; established the laws of England, in relation to slanders, drunkenness, swearing, cursing, pride in apparel, trespasses, replevins, weights and measures; directed the planting of one acre of woodland for every five acres cleared; provided for the preservation of oak for ships, and mulberries for silk; appointed a registry for vessels, with the names of the owners, and of the passengers and freights brought into the province; and required public notice to be given by all persons about to depart from the colony.

These preparatory arrangements having been satisfactorily made, two ships from London and one from Bristol, with many passengers, sailed for Pennsylvania. The Amity, one of the London ships, encountering adverse gales, was driven to the West Indies, and did not reach her place of destination until the spring of the following year. The other London vessel, the John and Sarah, first arrived, and was speedily followed by the Bristol Factor, which landed her passengers at the village of Upland, (Chester,) on the eleventh of December; and the river having froze over that night, the passengers remained there all winter. Although the emigrants arrived at the most unfavourable season of the year, they were exposed to little inconvenience. The prior settlers humanely and cheerfully administering to the wants of the adventurers. The population was at this time about two thousand souls, and there were six houses erected for public religious worship; three by the Swedes; one at Christiana, one at Wicacoa, now Southwark, a suburb of Philadelphia, and one at Tinnicum island: and three by the Quakers; one at Chester, another at Shackamaxon or Kensington, and another at the falls of the Delaware.* (1)

* Proud. (1) See Note K, Appendix.

The first emigrants, under Penn, conducted themselves with great prudence and circumspection. They were principally Quakers; temperate, industrious, and economical; well fitted to sustain the hardships of their new life, and to apply the means for removing them. Their success excited new adventurers. In the space of three years, above fifty vessels arrived, freighted with passengers; and so early as August, 1683, Penn estimated the population at above four thousand souls.* Such an influx of consumers to an uncultivated country, under less prudent leaders, would have produced much inconvenience from want of food. But with proper foresight, the colonists brought with them provisions sufficient for their maintainance, until they might reap the grain they should sow. Yet occasional scarcity of food existed among the poorer or more improvident classes, and they acknowledged in the occasional flight of pigeons and the accidental capture of deer, undoubted evidence of the Divine approbation. Their prudence was not confined to the supply of food only; houses, and a water-mill for grinding corn, were imported and immediately erected. The emigrants were chiefly English, Irish, Welsh, and German. The Welsh located themselves west of the Schuylkill river, and formed the townships of Merrion, Haverford, and Radnor. Whilst the Germans, seating themselves a few miles east of that river, and north of Philadelphia, laid the foundation of the flourishing village of Germantown.†

* Penn's letter to the society of free traders. Clarkson. Chalmers.

† About the year 1683 a society was formed at Frankfort on the Main, Louisburg, Bremen, Lubec, and other places, who undertook in concert to send emigrants to Pennsylvania, and to open a trade with that country. This took place under the guidance of the licentiate Pastorius, from the free city of Windsheim, who carried over a number of Germans, and settled Germantown, in October, 1683. It was part of Springetsbury manor. It was incorporated by a patent from William Penn, executed in England in 1689, and lost its charter, for want of a due election of officers, none being found willing to serve, somewhere about 1704. It was first called Cresheim, from the native place of many of the original settlers. Watson's MSS. 1 Pennsylvania Register, ii. 280, 343. Ebeling Hist. Penn. Proud.

But perhaps no cause contributed more to the happiness of the early settlers, than the conduct of the proprietary towards the Indians. The Dutch, and more especially the Swedes, had preserved with them the most friendly relations, and had derived great benefit from their good offices. Their favourable disposition was improved by Penn upon all occasions. With the first vessels he sent out captain William Markham, his relation and deputy, to whom he joined other commissioners, authorized to confer with the aborigines on the purchase of land and a treaty of amity. He instructed his commissioners to conduct themselves with candour, justice, and humanity. He addressed to the Indians a letter, admirably adapted to the plainness of their understandings, which made a favourable and lasting impression, on their minds, of his sincerity. Declaring, that he and they were created by the same Deity, who had written his law upon all hearts, commanding them to love and aid each other, he deplored the unjust treatment they had suffered from European visiters, and protested his own disinterestedness and love of peace, and his wish to conciliate them by probity and kindness. He proposed that all differences which should arise between his people and them, should be adjusted by arbitrators mutually chosen; and, announcing his intention of speedily visiting them in person, he solicited their friendship for his commissioners and friends, and requested their acceptance of his presents as testimonies of his benevolence.

In April, 1682, the proprietary published the "Frame of government and certain laws, agreed upon by himself and certain freemen of the province, to be submitted to the approbation of the first provincial council." By this frame, which was the first constitution of the colony, the government was established in the governor and freemen, in the form of a council and general assembly. The council consisted of seventy-two members, divided into three classes, each class serving one year, so that there might be an annual succession of twenty-four members. No member was eligible for more than seven years out of eight. The governor had in council a treble vote. The executive authority was vested in a

governor and council, who were exclusively authorized to originate and prepare all bills for the sanction of the assembly; to designate sites for cities, ports, and market towns, and to lay out roads and highways: they were charged with the care of the treasury, and punishment of malversation in its officers; with the establishment and direction of public schools, and the encouragement of the arts and sciences.

For the better performance of its duties, the council was divided into four sections or committees. To the first, the "Committee of plantations," were assigned the location of cities, towns, and roads, and the determination of all suits and controversies relating to plantations; to the second, the "Committee of justice and safety," the superintendence of the peace, and the execution of the criminal laws; the third, the "Committee of trade and treasury," was empowered to regulate all trade and commerce, according to law, to encourage manufactures and home productions, and to defray the public charge of the province; and the fourth, called the "Committee of manners, education, and arts," was charged with the supervision of public morals, and the guidance of youth in the paths of virtue and knowledge. Each section consisted of eighteen members, six of whom made a quorum, and a quorum of each section constituted an operative council.

The governor and council had power to establish courts of justice, and annually to appoint the judges, justices, and masters of the rolls. The sheriffs, coroners, and justices of the peace, were to be appointed yearly, by the governor alone, from a dual nomination made by the assembly. But, as the state of the province did not admit of quick rotation in office, the proprietary reserved to himself the appointment, in the first instance, of all officers, and directed that they should continue in office during good behaviour.

The first general assembly was to be composed of all the inhabitants: subsequently, the legislature was to consist of a number not exceeding two hundred: but, when the population would justify it, might be increased to five hundred members. It was empowered to pass on all bills, by a vote

of rejection or confirmation, or, when amendment was necessary, to confer with the council. On all important subjects it was to vote by ballot. The term of session was unlimited, but the governor and council might convene or prorogue it at pleasure.

Should the governor at any time be a minor, having no guardian appointed by his father, the council was authorized to nominate three guardians, one of whom should preside as deputy governor, and, with the consent of the others, exercise the executive power.

The preamble to this constitution contains some apposite remarks on the nature of government; and, though tinctured with the colour of the proprietary's religious faith and evangelical enthusiasm, exhibits profound and philosophic views of this important subject. He considered government as an ordinance of God, to be religiously supported, and equally necessary to preserve the happiness of the virtuous, as to punish and amend the vicious; and that its true and legitimate object was the happiness of the people, which was to be attained by the free expression of the public will. He concluded a review of the relative excellence of the several species of governments, with the following comprehensive and unrivalled description of a free constitution. "*Any government is free to the people under it* (*whatever be the frame*) *where the laws rule and the people are parties to those laws;* and more than this is tyranny, oligarchy, and confusion."

Although the proprietary was the undoubted author of this preface, it must not be inferred that all the provisions of the constitution had his approbation. He was overruled in many particulars by his associates, who, Markham declares, "unless pleased, and granted whatever they wanted, would not have settled his country."* His penetration could not fail to discern, that the assembly was too numerous for the population of his colony, and was inefficient, from want of power to initiate bills; and that the council, armed with legis-

* Markham's letter to governor Fletcher. Chalmers.

lative, judicial, and executive power, was susceptible of being converted into an irresistible engine of oppression.

The laws which were annexed to the "frame of government," reflect honour on the legislator: some of them being of a political and fundamental character, might have been properly included in that instrument. Such were those defining the qualifications of freemen, prohibiting the levying of taxes unless by law, establishing the trial by jury, and securing universal toleration of religion. This code was revised and enlarged by the first assembly of the province.

South of the province lay the territories or counties on Delaware, stretching one hundred and fifty miles along the bay, to the Atlantic ocean. The possessor of this country, commanding the entrance and course of the river, would have power to harass the commerce, and in other respects to affect the welfare of the neighbouring colony. Penn was desirous to possess these territories, as well on account of the security they afforded, as of the advantages to be derived from a hardy and laborious population. The duke of York held them as an appendage to his government, and, though reluctant to cede them, he could not resist the solicitations of the proprietary.* He executed three deeds to Penn in August, 1682. The first, dated the twenty-first, releasing his right to the province; the others, dated the twenty-fourth, granting the town of Newcastle and the land lying within a circle of twelve miles about it; and the tract of land beginning at twelve miles south of Newcastle, and extending southward to Cape Henlopen. For the last tract, Penn covenanted to pay the duke and his heirs one-half of all the rents and profits received from it.† These grants conveyed to the proprietary a fee simple estate in the soil, but no political right whatever. Holding in soccage as of the duke's castle at New York, he owed fealty to, and was a subject of that government. Whether he ever obtained from the crown political powers over this country, is questionable. It is certain, that, when the right he assumed became the subject of controversy,

* Chalmers. † Introduc. votes of assembly. Proud, 102.

among the inhabitants of the province and territories, no grant of this nature was exhibited. (1) These deeds were duly recorded in New York, and, by proclamation of the commander there, twenty-first November, 1782, to the magistrates on the west side of the Delaware, the rights of Penn under them were publicly recognised.*

(1) See Note L, Appendix.

* N. Y. Historical documents in secretary's office, Harrisburg.

## CHAPTER IV.

Arrival of the proprietary····Takes possession of the territories····Convokes an assembly····Laws····Union of the province and territories····Act of naturalization·····The great law····Remarks····Penn's dispute with lord Baltimore concerning boundaries····Treaty with the Indians····The city of Philadelphia surveyed····Allotments to purchasers···Division of the country into counties····Judiciary····Return of the proprietary to Europe, and settlement of the government preparatory thereto.

In September, the proprietary, with many friends, chiefly from Sussex and of the society of Quakers, sailed for Pennsylvania. The small-pox unfortunately broke out on board their vessel, and proved fatal to thirty of the passengers, nearly one-third of the number that had embarked. Penn landed at Newcastle on the twenty-fourth of October, after a passage of six weeks, and was received with great respect and every demonstration of pleasure.*(1)

He immediately assumed political authority over the territories, and proceeded to establish his government, by summoning the magistrates and the people to the court-house, where he received formal possession of the country. He addressed the assembled multitude, explained his views in obtaining the province, expatiated on the nature of civil government generally, and particularly on that which he came to establish, promised them undisturbed enjoyment of civil and religious liberty, and recommending to them sobriety and peace, renewed the commissions of the magistrates.*

On the fourth of December, he convened an assembly, pursuant to the constitution, at Chester, of which Nicholas Moore,

* Clarkson. Proud. (1) See Note M, Appendix.

president of the society of free traders, was chosen speaker. During a session of three days, this legislature enacted three laws: 1. An act for the union of the province and territories: 2. An act of naturalization: 3. The great law, comprising a general system of jurisprudence.

1. The inhabitants of the territories, anxious to participate in the benefits of the provincial constitution, solicited to be incorporated with the province on the third day of the session, and a bill, prepared by the proprietary, was immediately offered and adopted.* This act should rather be considered as confirmatory, than as the origin, of the union. For the freemen of the territories formed a part of the assembly, and acted with those of the province on all measures, from the commencement to the close of the session. As this measure strengthened the authority of Penn, so, in some degree, it legitimated his conduct. Tracing political power to its only true source, the will of the people, he was ready to forget that no power to rule the territories was given to him by the deeds of feoffment from the duke of York; nor did he nicely scan the rights of the royal prerogative, infringed by himself and the people, over whom his power was thus established.

2. The "Act of union," alone, was not deemed sufficient to effect an entire amalgamation of the inhabitants of the province and territories. For, although, by the capitulation of the Dutch with colonel Nichols, in 1664,† and by the treaty between England and the States General, the inhabitants of the west border of the Delaware became English subjects, they were considered by Penn so far a distinct people, as to require an act of naturalization to make them citizens of his commonwealth. By such an act, the Dutch, Swedes, and Fins of the territories, entered into full possession of provincial rights. And, with jealousy and fear, inspired by their weakness, the house resolved that the future naturalization of foreigners should be made by special laws.‡

* Votes. † Proud. ‡ Votes.

3. The great law, containing sixty-one chapters, was the work of the proprietary. He embraced in it most of the laws agreed upon, in England, and supplied such as the circumstances and opinions of the colonists rendered necessary.

This code or system, for it is entitled to that character, comprehends the chief subjects of legislative attention, in a society without commerce or foreign connexions.

Religious toleration was secured in the amplest form to all who professed belief in the Deity. This section, which, by its liberality and eloquence, merits the admiration of posterity, declares that, "Almighty God being only Lord of conscience, Father of lights, and the author, as well as object, of all divine knowledge, faith, and worship; who can only enlighten the mind, and persuade and convince the understanding of people in due reverence to his sovereignty over the souls of mankind:" and, therefore, it enacts, "That no person, now or hereafter living in the province, who shall confess one Almighty God to be the creator, upholder, and ruler of the world, and professeth him or herself obliged in conscience to live peaceably and justly under the civil government, shall, in anywise, be molested or prejudiced for his or her conscientious persuasion or practice; nor shall he or she, at any time, be compelled to frequent or maintain any religious worship, place, or ministry, contrary to his or her mind, but shall freely and fully enjoy his or her liberty in that respect, without any interruption or reflection: and if any person shall abuse or deride any other, for his or her different persuasion or practice in religion, such shall be looked upon as a disturber of the peace, and be punished accordingly."

But, though all religions were thus protected, the profession of the Christian faith was made a necessary qualification for office.

The people were commanded to abstain from their common toil and labour on the first day of the week, or Lord's day, for the ease of the creation, the study of the scriptures, and attendance on Christian worship.

Swearing, cursing, and blasphemy, were punished by fine and imprisonment.

Personal liberty was strictly guarded. No arrest was permitted in civil cases, unless the defendant were about to depart the province; and in criminal cases, the accused were bailable, unless the offence were capital, and the presumption of guilt violent.

The judiciary power was vested in a supreme court, sitting quarterly; a court of common pleas, held monthly; and a court of quarter sessions and jail delivery.

Real estate was made devisable, by will with two witnesses. In cases of intestacy, it was distributed among the children of the decedent. It was subjected to the payment of debts, when the debtor died without issue; if he left issue, one-half only was liable to execution, and that, only in case the land were purchased after the debts were contracted.*

All conveyances of real estate, other than leases for a year, and all bills, bonds, and specialties for more than five pounds value, and of longer date than three months, were declared void, unless registered within two months from the making thereof, if made within the province; if made out of the province, unless registered within six months.

A public registry was established for births, marriages, burials, wills, the names of guardians and trustees, and for letters of administration.

Oaths were abolished, and the penalty of perjury was affixed to a false affirmation. Two witnesses were required to maintain an issue in all cases, civil and criminal.

To encourage commerce, factors and agents wronging their employers were compellable to make restitution, and to pay additionally one-third of the sum converted; and, in case of the death of such factor or agent, the committee of trade was authorized to seize so much of his estate as would satisfy the claims of his employers.

All persons paying taxes might elect or be elected; and the purity of election was guarded by punishments enacted against bribery.

* By the provincial laws, under Andross, both personal and real estates, without exception or limitation, were subject to be sold for debt. N. Y. historical documents, in secretary's office at Harrisburg.

Murder was punishable by death; manslaughter and chance-medley in such manner as circumstances should require; arson by a double satisfaction to the injured party, one year's imprisonment at hard labour, and such corporal punishment as the justices should direct: burglary by fourfold restitution, and three months' imprisonment at hard labour; and, for want of means to make restitution, imprisonment for seven years.

Assaulting or menacing a parent was punishable by imprisonment at hard labour during the parent's pleasure; assaulting or menacing a magistrate, by fine and one month's imprisonment; assaulting or menacing a master or mistress, by fine and imprisonment at the discretion of two justices of the peace.

Speaking slightly of, or abusive carriage towards, any magistrate or person in office, was punishable by fine, not less than twenty shillings, or imprisonment at hard labour, for a term not less than ten days: sedition and libel by a fine, not less than twenty shillings: scandalous and malicious reporters, and defamers and spreaders of false news, at discretion.

Marriage was made a civil contract, to be entered into with consent of parents or guardians, (after a certificate given by credible persons that the parties had no pre-engagement, and after publication of the intention of such parties,) before witnesses.

Adultery was punished by public whipping, and imprisonment at hard labour for one year, for the first offence, and, for the second, divorce and imprisonment for life: incest by the forfeiture of half the estate of the criminal, and imprisonment for a year; for the second offence, imprisonment for life: rape, by the forfeiture of one-third of the criminal's estate, to the parent, if a maid was violated; if she had no parent, then to herself; if a widow, to her; and, if a wife, to the husband; and by whipping and imprisonment at hard labour for a year; for the second offence, imprisonment for life: incontinence between unmarried persons, by three months' imprisonment at hard labour, and the marriage of the parties: the speaking of unclean and obscene words, by

the fine of one shilling and sitting in the stocks: bigamy, by imprisonment for life.

Drunkenness, encouragement of drunkenness, drinking or pledging of healths, were chastised by fine and imprisonment.

Stage plays, masks, revels, bull-baits, and cock-fighting, induced ten days' imprisonment at hard labour, or a fine of twenty shillings; playing at cards, dice, lotteries, and such enticing and evil sports, five days' imprisonment, or a fine of five shillings.

All prisons were declared to be work-houses for felons, thieves, and vagrants, and every person wrongfully imprisoned, was entitled to double damages against the informer or prosecutor.

These laws were to be printed and published, and taught in the schools of the province and territories.

This code had many faults, but it had also many excellencies. The offences prohibited were not accurately defined, nor their punishments sufficiently ascertained. Too much was left in the power of the magistrate, in whose integrity only the offender was secure from oppression. The proprietary legislated too much. He descended into the privacies of life, and attempted to regulate the minor morals, which may be safely left to the good sense of society for correction. He, with his sect, had drank deeply of the puritanical spirit, which drew its jurisprudence from the Old Testament, and proscribed harmless amusements because they were susceptible of abuse. But he resisted, with masterly force, the penalty which that spirit, both in England and America, had affixed to the breach of the law. We cannot read the New England code of 1641 without horror.* Its lines are written in blood, and vengeance stalks over every page. The amendment of an offender, and the restoration of a misguided wretch to society, was never conceived by its framers. The object of punishment is two-fold; terror to the evil disposed, and the reclamation of the criminal. To the latter, the religion and humanity of Penn drew his special attention; and the law which converted the prisons into work-houses, was the

* Col. Mass. Hist. Soc. vol. 6.

germ from which the present mild and wholesome system of criminal jurisprudence of Pennsylvania has arisen. Even the punishment of death, awarded to the murderer, the only case in which it is inflicted by this code, is based on the mistaken supposition that the Jewish municipal law was prescribed by the Deity to the whole human race.

No one of these laws displays more wisdom than that regulating the descent of real estates. The rejection of the right of primogeniture, and the introduction of the principles of the civil law, were just and politic. The basis of political liberty is equal rights; and these are intimately connected with the frequent interchange of property. The division of the father's acquisitions among his offspring effectually prevents the perpetuity and overgrowth of riches in the same family. The accumulations of avarice and ambition are scattered by the hand of death, and no longer afford the means, nor encourage the disposition, to acquire illegitimate power. The law guides the conscience, where its power is not absolute; and the pleadings of parental affection are heard at the making of a will, against the suggestions of pride and the delusions of vanity.

The small portion of time consumed in the enactment of so many laws affords striking evidence of the harmony that prevailed in this assembly, and of its devotion to the proprietary. The Swedes were much touched by his benevolence and wisdom, and deputed Lacy Cocke, a distinguished person of their nation, to express their gratitude, and their determination "to love, serve, and obey him with all they possessed."*

The care and labour which the proprietary employed to have the boundaries between himself and lord Baltimore, conclusively and satisfactorily settled, proved abortive. The latter set up claims altogether inconsistent with the Pennsylvania charter, and the title to the territories derived from the duke of York, and gave much disquiet to the border colonists. With the design of amicably arranging their disputes, Penn visited lord Baltimore immediately after the adjournment of

* Proud.

the assembly. But not being able to effect this, after a conference of two days, during which he was entertained with great politeness and hospitality, he consented to postpone the negotiation until the succeeding spring. He, however, spent some time in Maryland, in religious visits, and in cultivating the friendship of the inhabitants; and, with the same view, he, about this time, visited New York.*

This question of boundary was vexatious and of long continuance, and was not treated by lord Baltimore with that delicacy and forbearance which characterized William Penn. For Baltimore would not delay the exercise of the rights which he claimed, until inquiry should be made into their legality; but, by proclamation, offered lands in the territories for sale, at half the price demanded for those unquestionably within his own patent;† and in the following year, he used force to dispossess several persons, who refused to acknowledge his title, and threatened others who would not pay him quit-rent.‡ The claims of Baltimore were not without colour. Maryland was granted to Cecilius Calvert, lord Baltimore, by patent, dated June 20th, 1632, and was now held by his son Charles. The charter, in the description of the northern boundaries, had the following clause, "unto that part of Delaware bay on the north, which lies *under the fortieth degree* of northern latitude;" but it had also a clause, restricting the grantee to the occupation of such lands as had not been previously settled by European nations. Penn's charter included the country from the "beginning of the fortieth degree of north latitude," and, of course, from the end of the thirty-ninth degree. The words "under the fortieth degree," gave to Baltimore, as he supposed, a right to the lands up to the beginning of the forty-first degree. To this construction, Penn opposed the restricting clause in the Maryland charter, and averred that the territories had been settled by Europeans in 1627, five years before the date of that grant. He also endeavoured to restrain the degree in Balti-

* Proud. † Balt. Proclam. 15th May, 1683. Penn's Letter to Com. of Plantations, 14th June, 1683. ‡ Proud.

more's grant to sixty miles, alleging that to be the mode of computation at the time it was given.*

The proprietary had a deep interest in this contest. Should Baltimore prevail, he would be deprived of one degree by five, equal to twenty-four thousand one hundred and sixteen square miles. But this possible curtailment of his province did not affect him so deeply as the prospective loss of ports and commercial advantages upon the Chesapeake, which he supposed to be included in his charter.† During his life, however, no effectual means were adopted for terminating the dispute. In 1732, his heirs and lord Baltimore entered into an agreement, by which nearly one-half of the Delaware peninsula, north and west of Cape Henlopen, was assigned to the former, and the southern boundary of the province was fixed on that parallel of latitude which is fifteen miles south of the most southern parts of the city of Philadelphia. But the performance of this agreement was procrastinated by Baltimore, under various pretexts, and the proprietaries were driven, in 1735, to the English court of chancery for relief. In 1750, lord chancellor Hardwicke decreed specific performance, and determined several questions which had arisen out of the agreement during the controversy.(1)‡ But the Maryland proprietary contrived also to delay the execution of this decree. A supplementary bill was filed, pending which Frederick, lord Baltimore, in 1760, made a new agreement, explanatory of the last. The line, pursuant to these agreements, was run, in 1761, the distance of two hundred and thirty miles.

Markham, soon after his arrival, had purchased of the Indians an inconsiderable quantity of land on either side of the falls of the Delaware.§ Penn, desirous to make further purchases, and to foster the friendship which the aborigines already entertained for him, invited them to a conference at *Coaquannock*, or *Coaquenaku*, the site on which Philadelphia is now erected. But, from some unknown and now unimportant cause,

* Ibid. Douglass. † Proud. (1) See Note N, Appendix.
‡ Vez. Rep. 455. § Sm. Laws Penn. 110.

they assembled at Shackamaxon, now Kensington.* Here, on the bank of the Delaware, stood an elm tree of prodigious size.(1) Beneath its widely spreading branches, the proprietary received the congregated sachems and their people. Dressed in the plain habit of his sect, without troops, without arms, or the usual insignia of power, he confided himself unhesitatingly to lawless savages, on whose forests he had made great and permanent inroads. He was distinguished from the Friends that surrounded him by a sky-blue sash of network about his waist; on his right hand stood colonel Markham, his relation and secretary; on his left, his friend Pearson, who had accompanied him from England; behind him followed a train of Quakers; before him were borne various articles of merchandise, intended as presents to the Indians, and payment of his purchases. He held in his hand a roll of parchment, containing the confirmation of the treaty of purchase and amity.†

The Indians assembled in great numbers. When seen through the woods, as far as the eye could discern, painted and armed, fears for their own safety unconsciously stole over the unarmed Europeans, whose only shield was the justice of their intentions. The chief sachem, advancing before his warriors, placed on his head a chaplet crowned with a small horn, the emblem of royal power, and of religious and inviolable peace. At this signal, the Indians cast their bows and arrows to the earth, seated themselves around their chiefs in the form of a half moon, and waited in respectful silence the progress of the conference. The leaders then announced to the proprietary, through an interpreter, their readiness to hear him.‡

Penn addressed them in a short and judicious speech. "The Great Spirit," he said, "who ruled the heavens and the earth, the Father of all men, bore witness to the sincerity of his wishes to dwell with them in peace and friendship, and to serve them with all his power. Himself and followers had met them unarmed, because their religion forbade the use of hostile weapons against their fellow creatures: they came not

* December 14th, 1682. Mem. Penn. Hist. Soc. 1 vol. 323.

(1) See Note O, Appendix. † Clarkson.

to injure others, that was offensive to the Great Spirit, but to do good, in which he delighted: having met in the broad pathway of truth and benevolence, they ought to disdain deception, and to regulate their conduct by candour, fraternity, and love." Unrolling the parchment, he explained the articles of the treaty and terms of purchase. "By these," he continued, "they were protected in their lawful pursuits, even in the lands they had alienated. Their right to improve their plantations and to procure subsistence would be, in all respects, similar to that of the English. Should disputes unfortunately arise between the two people, they should be adjusted by a jury, composed of equal numbers of Indians and Englishmen." From the merchandise before him, he then paid for the land, and made them many presents. Laying the roll of parchment upon the earth, he bade them observe it as a sign that the land should be thenceforth common to both people. "He would not," he added, "like the people of Maryland, call them his children or his brethren; for some parents chastised their children too severely, and brethren would disagree; nor would he compare their friendship to a chain which the rain might rust, or the fall of a tree destroy; but that he would consider them as of one flesh and blood with the Christians, and the same as if one man's body were divided in two parts." Resuming the parchment, he presented it to the chief sachem, and desired that it might "be carefully preserved for three generations, that their children might know what had passed, as if he had remained to repeat it."*

This treaty forms a brilliant ray of the halo which graces the head of Penn. It has been honourably noticed by eminent authors. "This," says Voltaire, "was the only treaty between these people and the Christians that was not ratified by an oath, and which was never broken." "William Penn thought it just," writes the abbe Raynal, "to obtain an additional right, by a fair and open purchase from the aborigines; and thus he signalized his arrival by an act of equity, which made his person and his principles equally beloved. Here the mind rests with pleasure upon modern history, and feels

* Clarkson.

some indemnification for that disgust, melancholy, and horror, which the whole of it, particularly that of the European settlements in America, inspires."* It has been erroneously supposed that this was the first instance of the purchase of lands from the aboriginal Americans. But, in this particular, Penn followed the example of Massachusetts, New York, Maryland, and New Jersey; and the Dutch, Swedes, and Fins of the Delaware. His merit consists in the justice and kindness which characterized all his intercourse with the natives. These have made an indelible impression. His memory is still gratefully cherished by their descendants, amid the distant wilds to which they have been driven by the tide of population. The great and good *Onas*, as they rendered the word Penn in their language, was an exemplar, which they frequently held up for imitation to his lieutenants and successors: and by this name they continued to distinguish the future governors of Pennsylvania.†

Many of the adventurers were indifferently protected from the inclemencies of the weather, by rude huts, and hollow trees, and by caves dug in the banks of the Delaware. At the close of the year, the proprietary, with the assistance of his surveyor-general, Thomas Holme, proceeded to lay out his promised city.‡(1) The ground selected was claimed by three Swedes, named Swenson, who relinquished it for a larger tract at a small distance.§ The spot was well chosen. A front on the Delaware and Schuylkill rivers, both navigable, gave it important commercial advantages; the excellent harbour on the former, the boldness of its shores, and its depth of water; the level surface of the ground, excellent clay for the manufacture of bricks, inexhaustible stone quarries in the vicinity, and the salubrity of the atmosphere, made the site in all respects desirable. The city plot was two miles from river to river, and extended on the margin of each, one mile, making the circumference six miles. A part of the town plot was divided among the first settlers, but not ac-

* Clarkson. † Proud, 213, in note. ‡ Ibid. (1) See Note P, Appendix. § Campanius.

cording to the "conditions" agreed upon between them and the proprietary. By that agreement, the adventurers were entitled to city lots, in the proportion of ten acres to every five hundred purchased in the country, "if the place would allow it." This ratio required a town of six or seven thousand acres, but the plot of Philadelphia contained only eleven hundred and eighty acres. This necessarily induced a new allotment. There is no record of this alteration, nor any written evidence that it was approved by the inhabitants; but a regular series of uniform facts upon the books of the land-office establish it beyond a doubt.*

During the first year, eighty houses were erected in the city, various mechanical arts were established, and an equitable and profitable trade was opened with the Indians. The governor chose his own residence in a manor, which he called Pennsbury, situated a few miles below the falls of the Delaware, and about twenty-five from the city, where he built a large and convenient brick house, having an extensive hall of audience for his Indian conferences.†

The survey of the country inhabited by Europeans having been completed, the proprietary divided it into six counties; three in the province, and the like number in the territories. The former he named Philadelphia, Bucks, and Chester; the latter, Newcastle, Kent, and Sussex. The seals adopted by the legislature for these counties, are indicative of the simplicity of the times. That for Philadelphia was an anchor; for Bucks, a tree and vine; for Chester, a plough; for Newcastle, a cassia plant; for Kent, three ears of Indian corn; and for Sussex, a wheat-sheaf. The county organization was completed by the appointment of sheriffs and other officers.

The time fixed by the charter, for the election of the council, approaching, the proprietary issued writs to the sheriffs, requiring them to summon the inhabitants of their respective counties to elect twelve members, and to invite all the freemen personally to appear in the assembly. But the latter,

* See 2 vol. Smith's Laws of Penn. in note, where this subject is fully treated. † Clarkson.

by general consent, resolved to delegate their powers to twelve representatives from each county, three for the council and nine for the assembly. They justified this innovation by that article of their charter, which empowered the governor and the freemen to construe and explain it. Yet some fears were expressed, that an omission to use the elective franchise in its full extent, might be a waiver of their charter. The proprietary, however, quieted these apprehensions, by declaring his readiness to concur in any alteration that was conducive to the public welfare.*

The council convened at Philadelphia, on the tenth of March, 1683, and the assembly two days afterwards.(1) The most important measure of the session was the adoption of a new charter, which was framed by a committee of the council and assembly. This instrument was much better digested than the former. The council was reduced to eighteen, and the assembly to thirty-six members. The grand committees and the treble vote of the governor in council were abolished.† The number of the council was limited to seventy-two, and that of the house to two hundred members. And this, like the former charter, contained an amendatory principle, by which it might be altered with the consent of the proprietary and governor, his heirs and assigns, and six parts in seven of the freemen in council and assembly met. The estates of aliens were assured to their wives or children, on the death of husbands or parents.

A further important alteration was made in the constitution of the legislature, not by the charter, but by a resolution of the house, approved by the governor. The assembly considered the right to confirm or reject the laws proposed by the council, as too limited; and required power to originate all legislative measures. This was conceded, notwithstanding a courtly member deemed even their pretension to debate on the laws, "too presumptuous, and derogatory from the governor's privileges and royalties, and that they were in

* Proud. (1) See Note R, Appendix, for names of the members of council and assembly. † Votes.

duty bound rather to restore to him the right to negative their bills than to attempt a diminution of his power.

The governor was extremely desirous to make the people, in the fullest sense, parties to his laws, and that the bills proposed by councils should be thoroughly understood by them, before they were sanctioned by the assembly. For this purpose, all bills were directed to be published by proclamation, and the members of assembly to meet at stated periods, in their several counties, to consider them with their constituents, preparatory to the general session. He seems, however, not to have had entire confidence in their discreet exercise of legislative powers. He dreaded the forfeiture of the royal charter, by some act of theirs, and demanded from them security, to indemnify him against the consequences. But this requisition, after a short debate, was suffered to sleep upon the journals.* In grateful acknowledgment of his services, and in consideration of his expenditures, the assembly presented him with an impost upon certain imports and exports.† The assembly provided by law for the ordinary expenses of the counties, in each of which they established an orphan's court, holding two sessions annually, for the inspection and regulation of the affairs of orphans and widows.‡ Men inexperienced, and recently entrusted with legislative power, are often disposed to exercise it unnecessarily, and sometimes ridiculously. This was exemplified in two singular propositions made during the present session: first, that young men should be compelled to marry; and, secondly, that two kinds of cloths only should be worn, the one adapted to the summer, the other to the winter season. But the good sense of the majority left propagation to its legitimate patrons, plentiful sustenance, and the passions of our nature; and economy to the aid of uncontrolled vanity.§ The policy of the Quakers discourages appeals to the courts of law, unless all other

* Votes. † He declined to avail himself of this revenue for the present, but considered it as a source of future profit. He was deprived of it by the repeal of the impost without his consent, during the administration of his deputy, Thomas Lloyd. Logan MSS. ‡ Penn's letter to the society of traders. § Proud.

peaceable means fail to determine their controversies. From this principle, provision was made for the appointment, at every county court, of three peace-makers, in the nature of common arbitrators, to hear and decide all differences between individuals.* The assembly adjourned, after a session of twenty-two days, during which, beside enacting the laws we have noticed, they revised and confirmed the whole civil and criminal code.

The judicial power was vested in permanent courts of justice, to be erected by William Penn, during his life, and afterwards by the governor and council, when they should judge convenient. In some cases, this power was exercised by the proprietary and council. Several bills of indictment, for issuing counterfeit silver money, were preferred by a regular grand jury, and tried by a petit jury. One Pickering, and two of his accomplices, were convicted of coining silver, in the form of Spanish money, with too great an alloy of copper. Pickering was sentenced to redeem his base coin in good money, the former to be melted before it should be returned, to pay a fine of forty pounds towards building a court-house, to stand committed until the money was paid, and afterwards to find surety for his good behaviour.† Many civil cases also were brought before this tribunal, by original complaint, and by appeal from the county courts. In some instances, committees were appointed by council to expostulate with and reconcile the parties; in others, trials were had without the intervention of a jury. Nor were the council satisfied to hear such causes only as were brought before them by the parties. They assumed a supervisory power over, and the right to judge, and punish summarily, the magistrates of the inferior courts. In one case, they fined the judges of the county court of Philadelphia, forty pounds for illegal conduct, in taking cognizance of a suit relating to land in the county of Bucks.‡ The only instance of a prosecution for witchcraft, which defiles the judicial records of Pennsylvania, is

* Penn's letter. † Proud. Minutes of council. ‡ Votes. Minutes of council.

registered on the minutes of council. A certain Margaret Matson was the accused; Penn presided at the trial, and the jury found the defendant "guilty of having the common fame of being a witch, but not guilty in manner and form as she stands indicted." No judgment was pronounced on this verdict.(1)

The intercommunion of the Indians and Europeans, added the vices of civilized life to those which the former already possessed. The Indians madly devoted themselves to inebriation; and, notwithstanding a prohibitory law, the avarice and thoughtlessness of the needy and ignorant whites furnished them abundantly with ardent spirits, by which their health and reason were continually destroyed. Unable to restrain his own people from a practice which they found so profitable, Penn vainly appealed to the good sense of the Indians. For, whilst they frankly confessed the injurious consequences of this destructive vice, and submitted to the punishment inflicted for intemperance upon their corruptors, no persuasion could induce its abandonment. Its prevalence probably saved, and has certainly supplied, the use of the sword. The tide of population, rapidly swelling along the shores of the Atlantic, required more land to sustain it than the savages would willingly have relinquished. War and the extermination of their race must have followed. But the unexampled mortality among them, of which intemperance was the active and mighty agent, swept them from the path of their invaders.

The legislature, at the session of this year, displayed a further grateful sense of the proprietary's merit. They voted him the sum of two thousand pounds, to be raised by duties on imported spirits, which he no longer declined; and they made it treason, punishable with death, to attempt his life, or to assail his power.

Penn had now executed all he had designed. He had established a government after his ideal model, containing a principle of improvement and regeneration. He be-

(1) See Note S, Appendix.

held a people, happy in their religious and civil liberty, growing in numbers beyond his most sanguine expectations, and grateful for the virtues which had served them. He had in prospect a quiet, gainful, and honoured future. But its quietude and monotony were features least recommendatory. His disposition was active, ambitious, and eager after fame. His present theatre was too circumscribed. Europe offered one more extensive, where, in the cast of characters, he had reason to believe, his would be distinguished. His proprietary and gubernatorial power would, even there, give him consideration. At the court of Charles he was influential, and by the duke of York respected and esteemed. These circumstances placed him at the head of his increasing sect; and the protection that he could give, would be repaid by the influence he would acquire. Although his knowledge of the world forbade him to form any visionary hopes of change in the English government, he was sufficiently acquainted with the state of parties in England to perceive that the time was favourable to religious toleration. To this subject, he was nobly and ardently devoted; and it is but justice to consider it as among the principal causes of his immediate return to London.* His dispute with Baltimore, and his domestic affairs, served as additional reasons for this determination.

Preparatory to his departure, he made the necessary appointments for administering his government. The executive power was lodged with the provincial council, of which Thomas Lloyd, a quaker from Wales, was made president; to whom the charge of the great seal was specially committed. Markham was created secretary of the province and the territories; Thomas Holmes, surveyor-general; Thomas Lloyd, James Claypoole, and Robert Turner, commissioners of the land-office; and Nicholas Moore, William Welsh, William Wood, Robert Turner, and John Eckley, provincial judges for two years. The proprietary sailed for Europe on the twelfth of June.

At his departure, the province and territories were divided into twenty-two townships, containing seven thousand inha-

* Proud. Oldmixon. Clarkson.

bitants, of whom two thousand five hundred resided in Philadelphia. This city already comprised three hundred houses. A considerable trade was opened with the West Indies, with South America, and even with the Mediterranean, the profits of which centred in England, whence came the great mass of the colonial imports.*

* Moll. Oldmixon. Proud. Clarkson. Macpherson's Annals of Commerce.

## CHAPTER V.

Death of Charles the second····Accession of James····Conduct of Penn····Impeachment of chief justice Moore····Proceedings against captain Robinson····Misconduct in the province····Attempts to convert the Indians····Penn solicited to return to the province····Relations between the proprietary and his people····New executive commission····extraordinary instruction····Alarm of Indian hostility····John Blackwell appointed deputy-governor····His administration ····David Lloyd····Revolution in England····Its effect on Penn····New arrangement of the executive power of the council, jealousy of the territories, and dissolution of the union····Displeasure of the proprietary····Defence of the province····Dispute with Keith····William and Mary assume the province, and appoint Fletcher governor.

Soon after Penn's return to England, Charles the second died,* and was succeeded by James, duke of York, who was proclaimed in the province on the second of May. A most favourable opportunity of improving the province now presented itself.

The religious and political principles of James were viewed with unconquerable dread by the greater part of his subjects. His zeal to convert the nation, threatened to overturn the established religion; whilst his high sense of royal prerogative made the people tremble, lest every barrier between legal power and absolute despotism should be broken down. Among protestants, every heart sank with apprehension, every eye wandered in jealousy and fear.

To have fanned the flame of discontent, to have turned the attention of the peaceable and the timid, the oppressed and

* February 6, 1684-5.

those who dreaded oppression, to the shores of the Delaware, where liberty dwelt, and plenty showered competence on labour, was as facile as politic. The sagacity of Penn perceived the advantage, but gratitude forbade him to use it.* He owed much to the royal family, and lived on a familiar footing with the present monarch, between whom and the dissenters he desired to be the mediator. He attached himself so steadily and ardently to the court, that he drew upon himself a share of the odium in which it was involved. Yet circumstances so friendly to emigration were not without their effect. Many persons of wealth and consideration sought an asylum in Pennsylvania, and purchased extensive tracts of land. These sales of large plots the proprietary greatly lamented, because he was thus deprived of the profit arising from the enhancement of the value of lands by the increased population. This profit he conceived due to his labour and expenditure, the latter having surmounted, by three thousand pounds sterling, his returns.†

The inhabitants of Pennsylvania have ever showed a jealous spirit on political subjects. Unawed by names or power, they have opposed a prompt resistance to usurpation, and to malversation in office an instant corrective. An early instance of this temper is found in the impeachment of Nicholas Moore, chief justice of the province. He was charged with violence, partiality, and negligence, in a cause in which the society of free traders was interested. Ten articles were preferred against him, which he refused to answer, though frequently summoned by the council, and he was saved from conviction by some technical obstacle in the form of proceeding. But this did not protect him from punishment. He was expelled from the assembly, and was interdicted all places of trust by the council, until he should be tried upon the articles of impeachment, or should give satisfaction to the board. His offence was not of an heinous character, since he retained the confidence of the proprietary: and, in no-

* Penn's letter to Popple. † Ibid. It appears by an entry in Council Book A, Oct. 24, 1684, that a warrant issued to survey for Ralph Fretwell a tract of land twelve miles square, in Chester county.

ticing his punishment, we should remark, that he had incurred the displeasure of the house, by having entered thrice in one day his single protest upon its minutes against the passage of bills, which had been introduced without the publication directed by the charter. The anger of the assembly was extended to Patrick Robinson, clerk of the provincial court, who had refused to produce before them the minutes of that court. They voted him to be a public enemy, and a violator of their privileges, and ordered him into the custody of the sheriff. When brought before the house, he complained of arbitrary and illegal treatment, refused to answer the questions put to him, and, in a fit of sullenness, cast himself at full length upon the floor.* An address was presented to the council, requesting that the prisoner might be disqualified to hold any public office within the province or territories; but this punishment was not inflicted, as Robinson subsequently held the clerkship of the council and other offices. Neither Moore nor Robinson were Quakers; they were charged with enmity to that sect, or, in the language of Penn, "were esteemed the most unquiet and cross to Friends." There were other disturbances at this time in the province. A certain John Curtis, a justice of the peace, was charged with uttering treasonable and dangerous words against the king. He was ordered to be tried by commissioners from the council, and, though no bill was found against him, he was dismissed from his office, and compelled to give surety of the peace, in the sum of three hundred pounds: charges were made against several officers of government for extortion; and gross immoralities were practised among the lower class of people inhabiting the caves on the banks of the Delaware. These things were reported with great exaggeration in England, by the enemies of Penn and the Quakers; they prevented emigration, and greatly affected the reputation of the society of Friends and the proprietary.†

Many pious Friends laboured to convert the Indians to Christianity. But their doctrines made faint and temporary

* Votes. † Penn's letter.

impressions on minds more open to European vices, which found advocates in their physical constitution, than to mysterious and abstract principles, to them almost incomprehensible.

The presence of the proprietary in the province was now greatly desired. The assembly and his private friends earnestly entreated his departure from London. But he found too much gratification at the court of St. James, where he was a favourite and a dispenser of favours, to listen to their instances. He pleaded, indeed, the necessity of using his influence to procure religious toleration.* But when this was effected by the proclamation for religious indulgence, and the suspension of the penal statutes against non-conformity, he urged the unwillingness of the province to provide a sufficient revenue for his maintainance as a reason for further delay.† His ideas of the style of living, befitting a provincial governor, were not very humble. "I resolve," he said, "never to act the governor, and keep another family and capacity upon my private estate; if my table, cellar, and stable may be provided for, with a barge and yacht, or sloop, for the service of governor and government, I *may try* to get hence."‡ He complained that the province had failed to fulfil its promise to reimburse him for the extraordinary expenses he had incurred.§ There was certainly much cause for these complaints. The only act that looked toward pecuniary recompense, was the impost law of 1683; but, small as that revenue must have been, it was slowly and partially collected. (1)

Nor was this his only cause of complaint. His quit-rents were in arrear, and his urgent solicitations to have them punctually paid were disregarded: he required in vain to have copies of the laws submitted to him: his letters to the council were neglected and unanswered; and his exhortations to concord were ineffectual. This negligence on the part of the government he held to be a forfeiture of their charter, which

* Clarkson. † Proud. ‡ Penn's letter to Harrison, 23d September, 1685. § Proud. (1) See Note T, Appendix.

in mercy only he forbore to resume.* But the people were not without apology. They believed the proprietary abundantly rich. He had sold lands to the value of twenty thousand pounds, which yielded a quit-rent of five hundred pounds sterling per annum. Contrasting the ample possessions of the landlord, with the pittance they found it difficult to pay, they considered the demand of his rents, enforced by the sheriff, as cruel and unjust; their own necessities closing their eyes to the pressure of his wants and the legality of his claims. (1)

For their political errors they were entitled to greater indulgence. However great the discoveries, and extended the knowledge, of the proprietary, in political science, his followers and immediate agents could not all boast like acquirements. The lives of the statesmen of Pennsylvania, antecedently to the settlement, were not devoted to such studies. Merchants, agriculturists, mechanics, and labourers, had neither time nor opportunity to investigate abstract principles, nor to trace their practical application; and, being chiefly Quakers, their zeal for a new religion absorbed their energies. After their emigration, the government, the country, and their circumstances, were altogether new. Difficulties too trivial to relate, yet sufficient to embarrass an unpractised administration, constantly presented themselves. And it is highly probable, that the habitual morality of the colonists, and the necessity of close application to labour, were as efficient causes in promoting the peace and happiness of the province, as its excellent laws, or the wisdom of their administration. This want of political experience, in minds excited by the novelty of their situation, might engender fears and jealousies which would extend even to the proprietary, and lead to acts that were ungrateful to him.

The negligence of their duties, by the greater part of the council, their disagreement, and other inconveniences, resulting from a multiform executive, induced the proprietary to devolve his gubernatorial powers on five commissioners, any

* Proud. (1) See Note U, Appendix.

three of whom were empowered to act. He selected Thomas Lloyd, Nicholas Moore, James Claypoole, Robert Turner, and John Eckley. His instructions to these, present a new view of his estimate of the proprietary power. His "Frame of government," though unquestionably a contract between himself and his people, he held to be the gift of his special grace, revocable at his pleasure, when he believed its conditions were broken; and the laws enacted with the consent of his deputies, void at his discretion.* These pretensions, so hostile to liberty, prostrating at once the constitution and laws, were borrowed from the dispensing power claimed by the king, and by him so fatally and liberally exercised. In conformity with these principles, he directed his commissioners, if dissatisfied with the council, to appoint others, though the charter gave their election to the people; to abrogate all laws passed since his departure from the province, though such power belonged to the crown only; and to search curiously for infractions of the charter, whether by the council or assembly.† The commissioners wisely kept their instructions secret, and refrained to enforce such parts as would inevitably have roused the indignation of the assembly. From that body, at all times jealous of the council, and prompt to oppose its authority when the legality of its exercise was doubtful, the commissioners would not have escaped without severe animadversion had they attempted to overthrow the constitution. Their administration was prudent, steady, and efficient.

The succeeding two years of the provincial history is barren of interesting incident, except an alarm of Indian hostility, which produced a short but violent agitation. Two Indian women of New Jersey informed a Dutch resident of Chester, that the Indians had conspired to destroy the white inhabitants. On the night of the day predicted for the insurrection, a messenger from the woods arrived at Chester, with information that three families, nine miles distant, had been butchered by the savages. Several persons immediately proceeded to the place, and found the houses

* Proud. † Penn's inst. Proud.

deserted, but without any marks of violence; their tenants, having themselves been alarmed by the report of hostilities, had fled to the dwellings of their parents at Ridley creek. Rumour soon gave the most frightful form to the news. It was reported in Philadelphia that five hundred armed Indians were collected at Naaman's creek, resolved on indiscriminate slaughter. A messenger despatched for intelligence, confirmed the report, with the variation, that the warriors were at an Indian town on the Brandywine river, whence they had removed their king, who was lame, and their women and children, that they might be secure from the perils of battle. Many of the Quakers, relying upon the justice and humanity which had been observed towards the Indians, refused credence to these reports; and Caleb Pusey, a member of the council, then in session, offered to proceed to the village, if five others would accompany him, unarmed. His proposal was instantly accepted. On the arrival of the deputies at the wigwam, they beheld every where the semblance of peace. The king was lying quietly in his bed, the women were at work in the fields, and the children at play round the doors. With some surprise, the chief demanded the cause of their visit, and, having learned the report, he expressed great indignation against its authors, and declared that his people had no cause of complaint against the whites; who owed him fifteen pounds, it was true, for lands bought by the proprietary, which he expected would be paid when they should be settled: he concluded, by advising the deputies to attend to their harvest, then ripe, without fear of the Indians, who intended them no harm.*

Thomas Lloyd, to whom the proprietary had given his unreserved confidence, growing weary of political labours, solicited permission, which was reluctantly granted, to retire from the cares of government. Dissatisfied with a plural executive, he recommended the appointment of a single deputy. Penn, unable to find among the Quakers an individual qualified to perform the duties of lieutenant-governor,

* Proud.

who would accept the office, was willing to try whether a stranger, one having no familiar intercourse with the colonists, might not inspire them with greater reverence than they had hitherto felt for his substitutes.* His choice fell on captain John Blackwell, formerly an officer of Cromwell, under whom he had earned a distinguished reputation in England and Ireland.† He was in New England when he received his commission, dated twenty-fifth of July, 1688, which was sent him on the assurance of his wife, a daughter of general Lambert, that it would be accepted.

The instructions to Blackwell were more honourable to the proprietary than those to his commissioners, and evince a spirit chastened by the misfortunes of himself and the king. He directed that the government should be administered in his name, by the style of his patent only, "absolute proprietary of Pennsylvania;" that all commissions signed by him in Europe should be confirmed by the seal of the province; that a copy of the laws, for which he had hitherto solicited in vain, should be sent to him; that speedy and impartial justice should be done to all; that fines should be apportioned to the offence and ability of the offender; that religious and national feuds should be prevented; that the rights of the widow, the orphan, and the absent, should be specially regarded; that the sheriffs of the respective counties should collect his rents and fines, and give security for their payment; that care should be taken to protect the people from imposition by the sheriffs and clerks of the peace, and that the magistrates should live soberly and peaceably; that the roads and highways should be made straight and commodious for travellers; and that the governor should consider the best means to promote the prosperity of the province, and should report to him what existing laws were unnecessary, and what additional ones were requisite.

Blackwell's administration continued little more than a year, and was remarkable only for the discord which prevailed between him and the chief inhabitants. He impoliti-

* Penn's letter. † Proud.

cally endeavoured to establish a militia, and commenced an inquiry into the legality of the provincial trade with foreign countries, and, against the sense of the council, declared such trade inadmissible under the royal charter; but finally consented to refer the question to the decision of the proprietary. He persecuted and arrested White, the speaker of the preceding assembly, who had been actively engaged in the prosecution of Moore: he imprisoned and superseded David Lloyd, clerk of the supreme court, for refusing to deliver him the records, without the order of the judges: he refused to submit any new laws to the assembly, pleading the instructions of the proprietary to the commissioners in his justification: he alarmed the people by doubts of the constitutionality of the laws already enacted, and by suspending them until they should be approved by the proprietary. These measures were extremely vexatious. They arrested the improvement of the country, and rendered every interest dependent upon the proprietary, who could not be timely consulted.*

The assembly opposed a firm resistance to these unwarrantable assumptions of power. They voted the arrest of White a breach of privilege: denounced the magistrate who had issued the process, and the sheriff who executed it, as traitors; insisted that the proprietary had revoked his instructions to the commissioners; asserted the validity of the laws enacted pursuant to their charter, and denied the right of Penn to suspend or abrogate them; and, as a precautionary measure against the abuse of the judicial power by the governor, they resolved that no one empowered to receive any fine, or forfeiture, or revenue, should sit in any court, or any cause, in which a fine or forfeiture might accrue to him.†

Unfortunately, the house did not continue true to itself. Blackwell, by intimidation or persuasion, succeeded in dividing their councils. His party absented themselves from the assembly, from time to time, and finally left it without a quorum for business. Those who remained passed an indig-

* Votes. † Ibid.

nant vote, charging the absentees with treason, in deserting their posts, after having condemned the conduct of the governor, and the officers engaged in the arrest of White and Lloyd; and they directed a warrant to be issued to all constables, commanding them to bring the magistrates and sheriffs, who had been concerned in such arrests, before the house. This warrant was never executed; and the assembly, no longer able to collect a quorum, was compelled to separate.

In his council the governor could neither preserve harmony among the members, nor respect to himself. He required of Thomas Lloyd, on occasion of temporary absence, to surrender the provincial seal, which was instantly refused. And soon after he impeached him of high crimes and misdemeanors, for having, as he alleged, encouraged the discontented, and for refusing to authenticate the acts of the government under the provincial seal. This seal Lloyd averred had been committed to him for life by the proprietary. The governor excluded Samuel Richardson from the council for having declared him to be a lieutenant only, and not a governor; he refused to receive the sheriff's returns of his re-election, on the ground that the election was void, and denied the right of the council to judge of the elections of its members; he arraigned Joseph Growden for publishing a printed copy of the frame of government, which he considered an offence against the state and the proprietary, who had, as the governor asserted, forbidden a resort to the press on subjects relating to the province. The meetings of the council were marked by heat and animosity. The governor's labours were opposed or unaided, and when driven to exercise his authority, his commands were frequently contemned. His manners did not accord with those of the people; a soldier, his demeanour was light and courtly, strongly contrasting with the grave carriage of the principal colonists; nor did the ungrateful task, which the proprietary had imposed upon him, of collecting his quit rents, serve to conciliate the affections of the people. Disliked by all parties, but not censured by the proprietary, he was recalled, and the

government devolved on the council, over which Thomas Lloyd again presided.

David Lloyd, who had been removed from office, and imprisoned by the late governor, for resistance to his commands, had arrived in the province in the early part of the year 1686, and was commissioned attorney-general by William Penn on the twenty-fourth of April of the year following. He was now elected clerk of the assembly, and devoting himself to the interest of the people, soon became distinguished for zeal and ability in their cause.

By the revolution of 1688, which drove James from the throne, the proprietary lost all influence in the English court. His intimacy with that unhappy monarch covered him with dark suspicion. His religious and political principles were misrepresented; he was denounced as a catholic, a jesuit of St. Omers, and a self-devoted slave to despotism, and was charged with conspiring the restoration of James. It is now unnecessary to disprove these accusations; for though his enemies caused him to be thrice examined before the privy council, and to give bail for his appearance in the king's bench, he was discharged by that court, no evidence appearing against him. The ties which bound him to Europe having been thus broken, he prepared to re-visit his province, accompanied by another colony of five hundred persons, which he had assembled by publication of new proposals. A convoy was appointed by government for his protection, and he was on the eve of sailing, when his enterprise was marred by another persecution.* A wretch, named Fuller, subsequently declared infamous by parliament, and pilloried, accused him, on oath, with being engaged in a conspiracy of the papists in Lancashire to raise a rebellion, and restore James to the crown. He narrowly escaped arrest on his return from the funeral of George Fox, the celebrated founder of the society of Friends.† Hitherto he had met his accusers with a courage worthy of his character and his innocence, yet such was his dread of the profligacy of the witness who now

* Ebeling. Proud. † Clarkson. Smollet. 16th Jan. 1691.

appeared against him, that he deemed it prudent to seek retirement and privacy. His contemplated colony failed, and the expenses of its outfit were lost.

The recall of Blackwell did not restore harmony to the province. Local attachments and jealousies had arisen to disturb the union of the province and territories. The proprietary had left to the council the choice of three modes of administering the executive power; by the whole council, by five commissioners, or by a deputy governor. The last was adopted, much against the will of the territories, which, assured that a provincial man would be chosen, dreaded partiality in the distribution of the offices. To prevent this, six members of council from the territories, convened, and in the absence of the other members and the president, appointed and commissioned six judges. The regular council immediately proclaimed this appointment surreptitious, illegal, and void. The territories had been long dissatisfied with their annexation to the province; they had suffered by the transfer of the commercial business and the custom house from Newcastle to Philadelphia, and they now complained that the taxes were unequal, and that much art was used by the provincial delegates to influence the governor in the appointment of officers for the lower counties, whilst they, unnoticed and disregarded, were compelled to aid in his support. Thomas Lloyd, on whom the choice of the council had fallen, endeavoured to remove this last cause of complaint, by declaring that he would accept no compensation for his services, unless at their special request. This, however, was not satisfactory. They required that the power of appointing territorial officers should be vested in the territorial delegates, and that five commissioners should be substituted for the deputy governor. These demands were refused, and the negotiation terminated in the dissolution of the union.* Lloyd continued to govern the province, and Markham, who had supported the territories in all their measures, was chosen their lieutenant-governor. The proprietary reluctantly confirmed this change. He

* 1691. Proud.

animadverted severely upon the conduct of Lloyd, to whom, in the anguish of his heart, he ascribed irregular and ungovernable ambition, which, refusing an honour when proffered, sought it subsequently, through a breach of the charter and a change of the government. Lloyd, however, was reinstated in his confidence by a letter from the council, declaring that he had accepted the commission, only on the importunity of his friends, and the earnest request of the whole province.

Immediately after the dissolution of the union the assembly of the province passed an act, with a preamble, exculpatory of the council, declaring the integrity of the province, and their efficiency to legislate for it; and re-enacted all the laws then in force. To remove the apprehensions of the proprietary, both governments assured him of their satisfaction in the change.

In the province, as elsewhere, the Quakers had been distinguished for union, temperance, and toleration. But a religious schism now shook their church to its foundation, and injured the reputation of the civil government. George Keith, a native of Scotland, distinguished for learning and talents, had many years been an active and zealous teacher among "Friends." Firm under persecution, acute and ingenious in debate, he had by his sufferings and writings acquired great and merited influence with the society. On the establishment of a charity school at Philadelphia in 1689, he was called from New Jersey to superintend it. This situation he soon abandoned, and devoted himself with renewed zeal, but not with his usual success, to the work of the ministry. With the increase of years his faith became intolerant, his discipline austere, his manners rude, and his language vituperative. He condemned many rules of practice among his sect, proposed new regulations, and denounced the doctrine professed and propagated by approved ministers, and which he had hitherto advocated. He denied in particular the sufficiency to salvation of the Holy Spirit, without the aid of the gospel; and with a fanaticism which struck at the root of the proprietary power, he declared it unlawful for Quakers to engage in the administration of government, and more especially in the

execution of the penal law. To his brethren he was captious and supercilious; treating their remonstrances with contumely, and assailing their persons and church with indecorous epithets.*

His conduct induced the society of "Friends," after repeated monitions, to expel him from their communion, by a formal and public testimony of denial. This act of the meeting, although approved by many of the most considerable men in the province, was condemned by others not less respectable. The latter segregated with Keith, held church meetings, and claiming to be the true church, boldly denounced the former as apostates. Treason and heterodoxy, however, are of one genus, and exist only in the minority of the state, or religious society. Consequently, Keith's opponents, having as well the government as the churches, and the greater number of adherents, are justly to be considered the orthodox, and himself and his followers as lapsed from the fold. If there be a doubt on this head, it must be removed by the decision of the yearly meeting at London; which, having appellate jurisdiction from that at Philadelphia, after full hearing of the parties, confirmed the denial. Thus irrevocably disowned, Keith became a violent enemy, took orders in the established church, and returned to America as its missionary. He, some years afterwards, died, outwardly at least, an episcopalian.

This affair, although important to "Friends," and viewed by them, until late events, as the greatest *disturbance* in their society, merits historical notice by its consequences only. The intemperance of Keith did not permit him to discriminate between the Quakers as rulers of a nation, and as members of a religious sect. His anathemas were hurled alike against the magistrate and elder. That tenet of the "Friends" which forbids the use of arms, he carried to a length deemed extravagant even among them; forbidding force in the apprehension of criminals. An occasion offered for inveighing strongly on this subject. A person named

* Proud. Ebeling.

Babit, with others, stole a sloop from the wharf at Philadelphia, and in their passage down the river committed many robberies. A warrant was issued in the nature of a hue and cry, on which they were apprehended and brought to justice. The force used to arrest them, though not more than is ordinarily exercised on such occasions, was censured by Keith as unchristian and incompatible with the Quaker character. In a pamphlet, entitled the "Plea of the Innocent," written in conjunction with a certain Thomas Budd, printed by William Bradford, and published by John M'Comb, he accused Samuel Jennings "with being too high and imperious in worldly courts," and styled him "an impudent, presumptuous, and insolent man." In a controversy with governor Lloyd, in church meeting, he called him "an impudent man, and a pitiful governor," asking him "why he did not send him to jail," declaring "that his back had long itched for a whipping, and that he would print and expose them all over America, if not in Europe." Another of the magistrates he called an impudent rascal.

These seditious words were held worthy of punishment. Bradford and M'Comb were apprehended, and for contempt of court, on their examination, and refusal to find sureties for their appearance, were committed. They were not ordered into close confinement; for, wishing to date a paper from the prison, they endeavoured to obtain admittance; but being prevented, they signed it in the hall, common to the prison and the house adjoining.* The license of M'Comb, who was a publican, was taken from him, as a punishment for his offence, though no conviction was had; and Bradford having been once brought to trial, and the jury being unable to agree upon a verdict, was subsequently discharged.

Keith and Budd, who were prosecuted by indictment, framed on the 32 cap. of the great law, for their defamation of Jennings, were convicted and sentenced to pay five pounds each; but these fines were never collected.

* Keith's Journal. Proud.

A religious society may justly cast from its bosom a schismatic, who indecorously censures its practices, and violently assails its leaders; but in Pennsylvania, the secular arm could not be constitutionally raised to chastise heresy. Keith and his followers charged the government with religious intolerance, and in Europe this transaction was painted in the darkest colours. The character of the Quakers was grossly misrepresented. They were accused of hypocrisy in their civil and religious conduct, and were cited as an additional instance of the effect of power to subvert the principle of religious toleration. The confidence of the persecuted in Europe was lessened, and emigration to the province decreased.

The magistrates published a vindication of their conduct. They enumerated the offences of Keith, dwelt upon their probable consequences, and expatiated on the patience with which they had borne his religious excesses. They urged strongly the disastrous results flowing from his doctrine, touching the unlawfulness for Quakers to conduct the civil government, disqualifying the proprietary, and annulling every act of the government since its foundation.

It will be remarked, that of the offences of Keith, one, apparently the least considerable, was selected for prosecution. His deportment to the governor, and his publication of principles hostile to the proprietary's authority, were passed over, whilst his insolence to Jennings, only, was laid in the indictment. This may give some colouring to the allegation, that he was the victim of personal and sectarian animosity, as Jennings was his distinguished opponent in the church. But, in fact, abusive carriage towards magistrates was an offence of great enormity, and subject to a more grievous penalty than the other offences charged upon him. The Quakers held government to be an ordinance of the Deity, and its ministers entitled to the most profound respect. The assembly had at no time suffered an abuse of this principle to pass unpunished. For light offences of this kind it had expelled its own members, and had preferred complaints to the council against others. Besides, circumstances, at this time particularly, called for demonstrations of firmness on the part of the go-

vernment. Its peace had been much disturbed by the late dispute with the territories; and insubordination was highly alarming to men who, forbidden by their consciences to bear arms, must sustain their authority by public opinion. If the motives which directed this prosecution were pure, no doubt ought to exist of the propriety of Keith's conviction. He had broken an established law of the province, was tried by the laws, and his sentence was less severe than they would have warranted.*(1)

Whatever were the motives of the government, it is certain its conduct was not approved by the proprietary. He foresaw that these dissentions would give the crown an excuse to strip him of his province.† His fears were soon verified. William and Mary seized with avidity this opportunity to punish him, for his attachment to the late king; and they were well pleased to clothe an act of naked power with such justification as the disorders of the province presented.‡

Their majesties' commission to Benjamin Fletcher, governor-general of New York, constituting him governor of Pennsylvania and the territories, was notified to Thomas Lloyd on the nineteenth of April. There was no notice, in this commission, of William Penn, nor of the provincial constitution. Fletcher was empowered to summon the general assembly elected by the freeholders, to require its members to take the oaths and subscribe the tests prescribed by act of parliament, and to make laws in conjunction with the assembly, he having a veto upon their acts; and was directed to transmit copies of such laws, for the approbation of the crown, within three months from their enactment. Official information of this change was not given to the constituted authorities of the province, either by the king or proprietary; yet on the arrival of colonel Fletcher at Philadelphia, the government was surrendered to him without objection; but most of the Quaker magistrates refused to accept from him the renewal of their commissions.§ The proprietary

* Proud. Pamphlets. Clarkson. (1) See Note X, Appendix.
† Penn's letter, Oct. 1693. Proud. ‡ Clarkson. § Minutes of Council.

condemned this ready abandonment of his rights, and addressed a cautionary letter to Fletcher, warning him of the illegality of his appointment; which might have restrained the latter from exercising his authority, had it been timely received, as he was attached to Penn, by personal favours.*

* Proud.

## CHAPTER VI.

Fletcher re-unites the province and territories····Demands money from the province to aid in securing the frontiers of New York against the Indians and French····The war between England and France extends to America····Proceedings of the assembly····Markham appointed deputy-governor under Fletcher····Assembly asserts its right to sit upon its own adjournments, and to originate bills····Fletcher demands further pecuniary aid····The province restored to Penn····Death and character of Thomas Lloyd····Administration of governor Markham under Penn····New constitution····State of the province····Buccaneers in the Delaware ····The province accused of giving them protection.

Governor Fletcher, regardless of the animosities which had disunited the colonists, summoned the representatives of the province and territories to meet in one assembly. Neither the charter nor laws were regarded in the summons. The time and forms of the election were changed, and the number of members was diminished, notwithstanding a spirited remonstrance from the former council, who asserted that their constitution and laws had been confirmed by the king and queen, and were obligatory on the governor.

When the legislature assembled, the greater part of the members, pleading their conscientious scruples, refused to take the oaths, and the governor permitted them to subscribe simply, the declarations and tests required by the act of parliament for liberty of conscience, protesting that this indulgence should not be made a precedent for the future.

Pursuant to his instructions, Fletcher demanded aid in men or money to secure the frontiers of New York against the hostilities of the French and Indians; and as that province covered all the English settlements to the south, she had an

obvious claim on Pennsylvania, Maryland, and Virginia, for assistance. The war, which now extended to the colonies, was declared by England against France immediately after the accession of William and Mary. Count Frontignac, governor of Canada, hastened to assail the English; and exciting the northern savages to the most barbarous cruelties upon their out settlements, set the example of that execrable policy which is an indelible stain upon the French and English nations. In 1690 one party of French and Indians surprised and destroyed Schenectady, on the Mohawk river; another seized a post at the Salmon Falls, on the Piscataqua, and soon after, under the Sieur Hurtel, attacked and levelled the fort at Casco, in Massachusetts. These inroads were followed by an active, but desultory border warfare, in which New York and the New England colonies were principally engaged. Both parties sedulously sought the friendship of the *Mengwe* or Five nations, which was finally secured to the English, after many conferences, and great expense in presents. To propitiate these tribes, the subsidy now asked of Pennsylvania was to be appropriated.*

Instead of giving an immediate and direct reply to the governor's demand, the assembly set themselves to ascertain and define his authority under his commission. They resolved, that their constitution and laws, founded on the charter to the proprietary, were still in force, and that they had the right to require their confirmation by the governor: and assured him, when this should be done, they would comply with his requisition to the extent of their power. They affected to ascribe the change of government solely to the absence of the proprietary; but the governor assured them that was the least cause of their majesties' measures; and to their own mal-administration, their neglect to defend the province against the enemy, and the consequent danger of its loss, they might attribute his appointment. He further told them, that the royal government, and that of the proprietary, were inconsistent with each other; and that he should consider

* Votes.

their adherence to the latter, however disguised, as full evidence of their hostility to the former.*

This was a view which the house might reasonably dread; since neither their nor the proprietary's conduct was marked with zeal for the revolution; and, until the arrival of Fletcher, their majesties' authority had never been publicly acknowledged. The assembly, therefore, availed itself of this opportunity to declare their devotion to William and Mary; but they repelled the charge of mal-administration, and denied, that there was any danger of the loss of the province, or that the present government was opposed to that established by the proprietary, although the executive authority was temporarily taken from his hands. The governor, unwilling to enter upon further altercation, and, perhaps, satisfied of the correctness, as well as firmness, of the assembly, complied with their request for confirming the laws, and published a proclamation for that purpose. The assembly, now disposed to show their affection to their majesties, passed a bill, imposing a tax of one penny per pound on the clear value of real and personal estate, and a poll tax of six shillings per head, which they presented to the king and queen, praying that one-half might be given to the governor. But Fletcher, dissatisfied that nothing had been done, directly to aid New York, refused this bill, with others which had been sent to him, and threatened to annex the province to that government.† This threat produced a very humble petition, that he would condescend to inform them which of the bills he would accept, amend, or reject, that they might dispose themselves to acquiesce in his pleasure, or to offer reasons in their support. But this spirit was instantly changed, when he indicated a disposition to enact the laws with his amendments, without further consulting the house. They sent him an animated resolution, asserting their right to pass on all amendments to their bills before they became laws. And a protest, drawn by David Lloyd, was signed by many of the members, declaring the retention of the bills unlawful, and that, before any bill of

* Votes. † Proud.

supply should be definitively passed, their grievances must be redressed. These measures produced a happy effect. Most of the bills were approved, and such as were not, were returned for amendment. Among the former, was the money bill; which produced above seven hundred and sixty pounds; an act for the education of youth, and another establishing a post-office. A bill, for organizing a militia, passed the first reading, but was negatived upon the second.*

Nothing more strongly indicates Fletcher's respect for the proprietary, and conviction that his exclusion was temporary, than the confirmation of all the laws in force at the issuing of the royal commission, and the appointment of Markham deputy-governor.

The assembly was at all times ready to extend their own power, and to circumscribe that of the executive. At the instance of David Lloyd, now a member, they availed themselves of the easy disposition of Markham, and indifference of Fletcher, to wrest from them, the power of prorogation, and to resume the right of originating bills, which, though not given by the constitution, had been assumed by the second provincial assembly, but had been for a long time suspended. And, though Penn had explicitly denied this right, they henceforth exercised it in its full extent.†

Governor Fletcher, being engaged at New York, did not meet the assembly at its first session of this year: At the second, he earnestly solicited them to make further appropriations for the public defence. He endeavoured to excite their emulation by the example of New Jersey, which had freely contributed troops and money, and tried to engage their compassion, by describing the sufferings of the inhabitants about Albany, from whence "fourscore families," he said, "had been driven, rather by the negligence of their friends, than by the force of their enemies." Experience having taught him, that it was vain to ask men, whose religion forbade the use of arms, to organize a military force, or appropriate funds for its support, he sought to frame his demands

* Votes. † Penn's letter to commissioners.

in a less questionable shape. Putting out of view all warlike intentions, he solicited their charity "to feed the hungry and clothe the naked," by supplying the Indian nations with such necessaries as might influence them to continue their friendship to the province. But even these instances proved powerless. For, although another tax, similar to the last, was voted, no part of it was appropriated to the war or relief of the Indians. As a considerable sum had been given to Fletcher, justice demanded that the services of the proprietary deputies should also be rewarded. The house, therefore, directed two hundred pounds each should be given to Markham and Lloyd, and that the balance to be raised by the bill should defray the general expenses of the government. Fletcher rejected their bill, because the whole sum was not granted to their majesties, with a request that they would appropriate it to the use of the deputies, and to the defence of New York and Albany; and the house, refusing to modify it, and asserting their right to appropriate their money at their pleasure, was dissolved. The proprietary, whose political views were rarely obscured by his religious principles, reprehended strongly this resolute refusal; nor was he blind to the effects which such opposition to the wishes of the crown might have upon his particular interests.*

The clouds of suspicion, which had long enveloped William Penn, were at length broken. He had many friends among the nobles who surrounded the king, and his true character was at last made known to William. He was heard before the privy council, and honourably acquitted; and was restored to his proprietary rights by patent, dated August, 1694, in which the disorders in the province were ascribed solely to his absence. His desire to return to Pennsylvania had now become ardent, but his pecuniary embarrassments prevented its indulgence. He requested his friends in the province to loan him ten thousand pounds, to be raised by a hundred subscribers; but, failing to obtain this loan, and his wife becoming dangerously ill, he was compelled to post-

* Penn's letter, 5th September, 1695. Proud. Clarkson.

pone his departure from England, and to appoint a deputy. The death of Thomas Lloyd* occasioned the appointment of Markham.†

By the death of Thomas Lloyd, the proprietary and province lost an able and valued counsellor. He was of an ancient and respectable family in Montgomeryshire, North Wales, and had been educated at the university of Oxford. His learning, wisdom, and affability, opened for him a path to distinction and fortune in his native country. But, having attached himself to the society of Friends, the persecutions he endured, led him to seek an asylum with the early settlers of Pennsylvania. Meek and unostentatious, he shrunk from public employment, and, though in office from the foundation of the colony, he served with reluctance, and only at the earnest solicitation of the proprietary and his fellow citizens. A mild and firm minister, a virtuous and unassuming citizen, distinguished for his love of piety and decorum, he died surrounded by his friends, rejoicing in the life he had lived, without complaining of death, or expressing a hope or fear of futurity.‡

Markham assumed, that the suspension of the proprietary's authority had annulled the constitution, and that when the province was restored to him, it was subject to his will, as it had been to that of the king. On this principle, he convened the assembly without regard to the charter. No complaint was made, on the part of the house, relative to this course. Contemplating a change in some of the most important features of the constitution, they considered it impolitic and inconsistent to condemn its infraction by others. Availing themselves of an opportunity, presented by another demand to aid New York, they connected with a bill of supply a bill of settlement, or project for a new frame of government. This plan, supported by the public voice, Markham was unwilling to negative, yet he feared to sanction it without the consent of the proprietary. In this dilemma, he resolved to dismiss the assembly, and, to avoid their solicitation and re-

* 10th July. † 24th November. ‡ Proud. Clarkson.

proof, he gave them no previous intimation of his design. But this step afforded him a momentary relief only; for the next assembly assailed him with remonstrances on his breach of the charter, reminded him of his promise to protect their rights, and, finally, prevailed with him to assent to their bill of settlement, subject to revocation by the proprietary, on condition that they would raise the sum of three hundred pounds for the use of the Indians at Albany. This money, being immediately wanted, was procured on loan, under a vote of the house; and thus, what the prayers and threats of Fletcher failed to extort, was yielded to the stronger inducements of interest. Markham's assent may be ascribed to his wish of redeeming the pledge which the proprietary had given to the king, that his province should contribute to the general defence of the colonies.*

The new constitution was more democratic than the former one. The council, chosen biennially, consisted of two, and the assembly, elected annually, of four, members from each county. The right of the latter to originate bills, to sit on its own adjournments, and to be indissoluble during the term for which it was elected, was explicitly established; and the powers and duties of the several officers were accurately defined. This instrument was never formally sanctioned by the proprietary, and it continued in force only until his arrival in the province, in 1699. Under it the people were content, and calmly and industriously applied themselves to the improvement of the country. And their best eulogium is the paucity of material for history, which their annals for several years afford. The governor made another attempt, unsuccessfully, to obtain money for military purposes; the assembly pleaded the poverty of their constituents, but professed their readiness, in future, to obey the commands of the king, not incompatible with their ability and religious persuasion.†

The glory which the bravery and success of the buccaneers had shed upon the practice of piracy, had filled the

* Votes. † Ibid.

American seas with bold and unprincipled adventurers, many of whom sailed under commissions from the belligerents of Europe. Regardless of their allegiance, they attacked and plundered, indiscriminately, friend and foe. Driven from the south, after the sack of Carthagena, by Pointis, a French naval commander, they infested the northern seas. Their number was augmented from the unquiet spirits set at liberty by the general pacification at Ryswick, who sought to support a life of libertinism by levying contributions upon all nations. The shores and bay of the river Delaware offered these marauders convenient and safe harbourage, rendered more secure by the pacific principles of the inhabitants of Pennsylvania. These circumstances gave some colour to charges against the province, of countenancing illegal trade, piracy, and general corruption of manners. This evil report attracted much attention in Europe, and was even credited by the proprietary, who earnestly required his people to find instant remedies for such disorders. The governor and council published a proclamation, repelling the accusations against their own citizens, but admitting that the central situation of their city subjected it to the visits of evil disposed persons, whose conduct at the ordinaries and drinking-houses, sometimes violated the regulations of the police. They enjoined upon the magistrates the strictest execution of the laws of navigation and trade, and the statutes against piracy, and the utmost diligence in the suppression of loose and disorderly living. This measure was not sufficient to satisfy the proprietary, nor to remove the suspicion of others. The legislature, at its next session, on the suggestion of Penn, enacted more severe penalties against piracy, and illicit trade.* The eagerness of the assembly, to acquit the province of all participation in these crimes, led them also to expel from their house, a certain James Brown, a member from Kent, upon suspicion of his having encouraged piratical practices. So far was the province from profiting by this lawless race,

* Votes.

as was falsely supposed, the inhabitants frequently suffered from their depredations. They plundered Lewistown, and inspired such terror, that a watch was kept on Cape Henlopen, to give notice through the sheriffs, from county to county, of the approach of suspicious vessels, in order to prevent surprise.

## CHAPTER VII.

Penn returns to the province····Yellow fever····Convenes the assembly····Disputes with the territories····Slaves and negroes····Intercourse with the Indians····The king requires the province to grant funds for the fortifications at New York····Attempt to change the proprietary to royal governments····Disputes with assembly relating to the concessions ····Incorporation of Philadelphia····New constitution···· Appointment of council····Andrew Hamilton deputy-governor····Departure of the proprietary for Europe····Administration of Hamilton····By his death the government devolves on the council····The royal assent made necessary to the appointment of the deputy-governors.

The proprietary having at length surmounted the obstacles interposed by his private affairs and his religious engagements, embarked, with his wife and family, for the province, at Cowes, in August, with the avowed determination of spending the remainder of his life in Pennsylvania. He arrived in the Delaware on the last day of November. (1)

That grievous epidemic, the yellow fever, had just ceased its ravages. No detailed account of its devastations has been handed down to us; but the distress and consternation it produced is eloquently described by Thomas Story, who witnessed its progress. "Great," says he, "was the majesty and the hand of the Lord. Great was the fear that fell upon all flesh. I saw no lofty nor airy countenance, nor heard any vain jesting to move men to laughter; nor witty repartees to raise mirth; nor extravagant feasting to excite the lusts and desires of the flesh above measure; but every face gathered paleness, and many hearts were humbled, and countenances

(1) See Note Y, Appendix.

fallen and sunk, as of those who waited every moment to be summoned to the bar, and numbered to the grave."

As the existing constitution had not received the approbation of Penn, he did not hold himself bound by its provisions, but summoned by his writ, three members for the council, and six for the assembly, from each county. But the assembly, then in session, having learned his determination, endeavoured to take from it the impress of absolute power, and to guard against its being drawn into precedent, by procuring an entry to be made upon the minutes of both chambers, declaring that this measure was adopted with their advice and consent. Yet the proprietary called another assembly in this year, which consisted of four members only from each county, and of this number the house was composed for the two succeeding years.*

The legislature, during the year 1700, was engaged in revising their laws, and discussing the draught of another constitution. But their labours were disturbed by the renewal of the jealousies of the territories; which, claiming an integral political character, and holding their union with the province dissoluble at pleasure, were no longer willing to form a subdivision of Pennsylvania. Conceding to the crown, the right to prescribe their form of government, they refused to recognise in the proprietary any political power which did not arise from mutual compact. The rapid growth of the province, they perceived, would soon place them in joint legislation at her discretion; and they insisted upon having at all times an equal representation in the assembly. This proposal was unanimously rejected by the province, and an immediate separation was prevented, only, by an agreement suggested by the proprietary, that no law affecting the particular interests of the territories, should be enacted without the consent of two-thirds of their members, and a majority of those of the province. This was no sooner settled than a new dispute arose upon the question of a maintainance for the governor. Both parties admitted the propriety of a tax, but

* Votes.

the territories refused to contribute in the same ratio with the province. A largess of two thousand pounds was granted to the proprietary, of which the province assumed to pay more than three-fifths. Further to conciliate the lower counties, the wages of the members of the two former assemblies, and of the present house, were paid from the provincial instead of the several county funds, as formerly.

The slave trade, now so infamous, that its abolition has become a principle of national morality in christendom, was tolerated in Pennsylvania under the specious pretence of the religious instruction of the slave. Yet the German "Friends," settled at Germantown so early as 1688, presented a protest drawn by Daniel F. Pastorius, to the yearly meeting, then held in Burlington, against the "buying, selling, and holding men in slavery, as inconsistent with the christian religion." But on this important subject that meeting was unprepared to act, and declared it "not proper then to give a positive judgment in the case." In 1696 the yearly meeting discouraged the further importation of slaves, and adopted measures for their moral improvement. In the same year George Keith and his friends denounced the institution of slavery "as contrary to the religion of Christ, the rights of man, and sound reason and policy."*

The proprietary now procured a system, regulating the treatment of slaves, to be incorporated in the discipline of the society, thereby alleviating the situation of those whose masters were not yet convinced of the iniquity of slavery. Although these measures could not abolish the horrid traffic, they discouraged the wealthy and respectable inhabitants from prosecuting it, and fostered a spirit of humanity, which led to the moral, religious, and physical improvement of the slave. To the dictates of philanthropy Penn endeavoured to give the force of law. He proposed to the assembly two bills; one regulating the marriages of negroes; rightly judging that connubial ties and domestic affections, promoted by the inhi-

* Minutes of yearly meeting, Watson's MS. collection. Bettle's notices of negro slavery, Min. Penn. Hist. Society.

bition of promiscuous sexual intercourse, were the most efficient means to establish pure morals; the other, establishing a mode for the trial and punishment of the offences of slaves, substituting the judgment of the law for the will of their masters. The latter of these bills only received the legislative sanction. It is difficult to assign reasons for the rejection of the former. Its provisions could not reduce the value of slaves as property, nor license insubordination. Perhaps the existing laws against incontinence were deemed adequate to restrain the improprieties the bill was designed to remedy.*

The proprietary also endeavoured, though unsuccessfully, to obtain additional legislative restrictions upon the intercourse with the Indians, in order to protect them from the arts of the whites. Nor was he more happy in his renewed exertions to instruct the aborigines in the doctrines of christianity; their language, according to the report of the interpreter, not affording terms to convey its mysteries. This reason, however, was not well founded, and was the subterfuge of the agent to cover his own ignorance or indolence. The success of the venerable Elliot, and of the Moravian missionaries, has proven, that the Indian language is competent for the communication of the most abstract ideas. But, resolute to improve their temporal condition, Penn conferred frequently with the several nations of the province and its vicinity; visiting them familiarly in their forests, participating in their feasts and amusements, and entertaining them with much hospitality and state at his mansion at Pennsbury. He formed a new treaty with the Susquehanna, the Shawanese, the Ganawese, and tribes of the Five nations. This treaty provided for perpetual peace and good offices between the parties, confirmed to the Indians the benefits, and subjected them to the penalties of the English law, in their intercourse with the whites: It stipulated that both parties should refuse credence to unauthorized reports of hostility intended by either: That the Indians should neither aid nor *suffer* strange tribes to settle in any part of the province without permission from the

* Clarkson. Votes.

governor: That no European should engage in the Indian trade without the license of the government; and lastly, that the sale of the lands lately made to the proprietary in the neighbourhood of the Conestoga should be confirmed.* In the spirit of this treaty, the provincial council formed a company of traders exclusively authorized to conduct the Indian trade, and instructed to repress the inebriety of the natives, and to impress upon them a sense of the christian religion by examples of probity and candour.†

The king now required of the proprietary the fulfilment of his promises, made at his restoration, by a provincial contribution of three hundred and fifty pounds towards completing the fortifications on the frontiers of New York. This demand embarrassed the proprietary and his people, as the money was avowedly to be employed for military purposes. His duty to the crown could not be performed without an earnest effort to support the requisition, whilst his own conscience, and the respect due to the religious principles of his society, forbade him to urge the compliance of the assembly. That body procrastinated their answer, and asked of the proprietary a written copy of his message on this occasion; desirous to find in it some mode to extricate themselves from their perplexity. But he declined to place on record whatever arguments he may have offered to them, and resolved that they should be solely responsible for their decision. Compelled at length to reply, they framed an address abounding in expressions of loyalty, and declaratory of their readiness to obey the crown in all things consistent with their religious faith; but they pleaded their poverty, their quit-rents, their late pecuniary grants, and the inaction of the adjacent provinces, as an apology for postponing the further consideration of the king's letter to a period of greater emergency. This address the proprietary received without comment, and dissolved the assembly at their request.‡

In the midst of his zealous labours, Penn received intelligence from England, which compelled him to prepare for a

* Proud. † Ibid. ‡ Votes.

speedy return. Since the revolution, it had been a favourite measure of the crown to purchase the proprietary governments in America. Jealousy of the power of these governments had grown with their growth; and a bill was now before the lords to change them into regal ones. The friends of Penn, and others interested in the province, had succeeded with difficulty in obtaining a postponement of the bill until his return, which they earnestly represented to him should be immediate.*

The necessity of his speedy departure hastened the meeting of the assembly.† The completion of a new constitution, and the enactment of such laws as required his special sanction, made the session important and laborious. The address of the proprietary was most frank and conciliatory. He apologized for having summoned them before the customary time, expressed his regret at being so unseasonably called away, and assured them of his unceasing love and regard. "Think," said he, "therefore, (since all men are mortal,) of some suitable expedient and provision for your safety, as well in your privileges as property, and you will find me ready to comply with whatever may render us happy by a nearer union of our interest." Yet actuated by his duty to the crown, he again drew their attention to the king's demand for money, and mentioned a late treaty of peace, concluded with the Indians by the governor of New York in behalf of all the provinces, as worthy of their acknowledgments. The house replied to the address with grateful thanks, but refused the war contribution for the reasons already given.

The cordiality which smiled on the opening of the session, did not preside over its deliberations. The inhabitants were disposed to hold the proprietary to the very letter of his proffer. They were desirous not only to secure their political liberties against the governor, his deputies, and successors, and to settle definitively all questions relating to the titles and boundaries of their lands, but were solicitous to obtain from Penn new and extraordinary concessions in regard to

* Votes. Proud. Ebeling. † September 15, 1701.

the latter. Certain petitions, presented by the inhabitants of Philadelphia, served as a basis for an address of twenty-one articles, from the house to the proprietary. As this address was the germ of a long and bitter controversy, it merits particular notice. It consisted of specific demands of political privileges, and territorial concessions. The former were all readily conceded, and the latter, four excepted, were, after much unpleasant discussion, either granted or retracted. We shall consider those which continued to be subjects of contention.

I. In the surveys to the first emigrants, an allowance had been made, by the proprietary, of ten acres to the hundred for roads, uneven grounds, and errors of survey. Subsequent purchasers claimed this allowance also as a right. The situation of every tract did not admit of such addition, and the surveyors sometimes omitted to embrace it where it might have been obtained. On re-survey, the deficiency appeared, and those who could not find vacant lands contiguous to their tracts, held the proprietary responsible, and claimed the allowance in payment for other purchases, or in money. An attempt was made to satisfy the claimants in the preceding year, by the passage of an act, giving to those whose surveys included so much, or more, the full ten per cent., and two per cent. to those who had the nett hundred. The inequality of this provision was obvious, and the landholders were consequently dissatisfied. The assembly demanded the full ten per cent. on all lands then sold, and five per cent. on future sales. But the governor, conceiving the demand to rest on a mere custom which he had not sanctioned, refused it as an unreasonable exaction; but, anxious to conciliate, he proposed to grant six per cent. to all purchasers, without discrimination. Those who had the ten per cent. declined the proposition, and those who had it not, adhered to their pretensions. This subject frequently engaged the attention of subsequent legislatures, and produced much altercation between them and the lieutenant-governors, until the year 1712, when the allowance was fixed at six per centum by law. Although this act was negatived by the crown, at the instance

of the proprietary, the custom was established, and continues to the present day.*

The examination of this question of surplusage, though attended with much vexation, proved of pecuniary advantage to the proprietary. An act of assembly was passed, directing a re-survey of all located lands, at the expense of William Penn, within two years; and large quantities of land were found included in former surveys, not covered by the warrants, for which he justly exacted payment. But this exaction was, most unreasonably, considered by some of the tenants as hard and oppressive.†

II. The pretension of the freeholders to a full participation of the benefits, specially granted to the first purchasers, were not confined to the allowance for roads. The city lots, now rapidly increasing in value, were claimed as appendages to country purchases; and every holder of a farm demanded a city lot, of a size proportioned to the number of acres he possessed.

III. The inhabitants of the city of Philadelphia required that the vacant town lots should remain in common, and that no leases should be made, under which they might be enclosed, unless their respective owners were prepared to build upon, or otherwise improve them; and that the islands adjacent to the city might be free to all, to collect therefrom winter sustenance for their cattle. Whilst these extravagant claims were advanced by the freemen of the province, those of the territories asked that the price of lands in their counties should not be raised, and that future grants should be made at the original quit-rents.

IV. In reserving the quit-rents, the proprietary intended not only to secure to himself a permanent revenue, but to preserve that connexion between the grantor and grantee which had been the soul of the feudal system, and which was still considered necessary, though all the incidents of that system, save fealty, escheat, and rent, frequently nominal, had ceased. His quit-rents were originally one shilling

* Votes. 2 Sm. L. P. † Logan MSS. Am. Phil. Soc.

the hundred acres, on lands granted to freemen, and six shillings the hundred on those granted to servants. They were subsequently advanced to one penny sterling per acre. The proprietary had once proposed to release these rents for a pecuniary consideration; his proposal was rejected; but now, feeling them onerous, the landholders were desirous to buy them off.

These attempts to control and confine him in the disposition of his private estate, and to exact valuable privileges of a personal nature, without recompense, were firmly opposed by the proprietary. The right claimed to town lots, he held, to be confined, by virtue of the "concessions," to the first purchasers, who had already received more than a just proportion: he complained of the injury done to his city plots by the waste of timber; and holding them for the accommodation of such as were not first purchasers, wishing to build upon them, he declined to throw them open for common use; and the islands, he said, were detached from the town, if not from the province. He refused to release his quit-rents, lest, failing to receive a maintainance from the public, he should need them for his support. The pertinacity of the assembly, however, drew from him a reluctant assent to their requests, in relation to the vacant lots, and their common use was granted by the charter incorporating the city, subject to certain restrictions in regard to improvement.*

This charter, dated twenty-fifth of October, 1701, created the inhabitants of Philadelphia a body corporate, under the name and style of "The mayor and commonalty of the city of Philadelphia in the province of Pennsylvania." And by it all the city officers were appointed, including the mayor, recorder, aldermen, and common council.

The constitution, which had been under consideration for more than eighteen months, was finally adopted on the twenty-eighth of October, six parts in seven of the assembly having formally surrendered the previous charter granted by Penn. The new charter was as comprehensive on the subject of civil and

* Votes. City Charter, 1701.

religious liberty as the former ones. Whilst it secured, by general provisions, the most important of human rights, it left minor subjects to be detailed and enforced by the laws.

The legislative power was vested in the governor and assembly.

The assembly was composed of four members from each county, annually elected. Their number might be increased by law. It was empowered to choose a speaker and other officers; to judge of the qualifications and election of its members; to sit upon its own adjournments; to prepare bills, impeach criminals, and redress grievances; and possessed all other powers and privileges of an assembly, according to the rights of the free-born subjects of England, and usual in any of the king's plantations in America. Two-thirds of the whole number formed a quorum.

The sheriffs were appointed by the governor, within three days after return made to him, from two persons, chosen by the freemen of each county; and, in default of such appointment, the first person on the return was entitled to the office. The term of office was three years. Vacancies by death, or otherwise, were filled by the governor. Incumbents continued in office until their successors were elected.

A clerk of the peace for each county was nominated from three persons returned by the justices of the peace; and, if one of them were not commissioned within ten days, the highest on the list held the office.

There was no provision in the constitution relating to the establishment of the judiciary. That important branch of the government was left to the discretion of the legislature.

Nor was the council recognised as a part of the government, unless a prohibition to the governor and council to take cognizance of any complaint relating to property, except appeals should be allowed by law from the ordinary tribunals, may be considered as such recognition. The practice of trying causes relative to real estate, before the governor and council, as well those in which private citizens were parties, as those in which the proprietary was interested, had been continued. This made him a judge in his own cause, and was

highly objectionable when the council was elected by the people; it became wholly inadmissible when that body became the mere creature of the governor.

By a supplementary article to the charter, the proprietary granted full permission to the province and territories to dissolve their union at any time within three years from its date; and, in case of such dissolution, the provincial assembly was to be increased by the election of four additional members from each county.

The proprietary, in granting his assent to this charter, was swayed by his fears that the government would be resumed by the crown. He was willing, by the most liberal grant of political rights, to protect himself and his people from oppression by royal governors. Retaining the government, however, he subsequently felt and complained of the restrictions this charter imposed on the executive power, and often intimated an intention to attempt its revocation, in his correspondence with his secretary, Logan; but was deterred from so vain and odious a design by the arguments of that sagacious counsellor. He particularly regretted having given the assembly power to convene and adjourn at pleasure, and having assented to the separation of the province and territories. In his negotiations with the crown for the sale of the government, he was much embarrassed by this charter. A due regard for consistency, and love of civil liberty, required that he should stipulate for the preservation of the charter, whilst the ministry insisted, that, with the executive power so limited, the government was scarce worth purchasing. The negotiation for sale was long protracted, and, at times, almost abandoned. When content with the course of affairs in the province, the proprietary prided himself on his determination to preserve the principles of the charter; but, when vexed by the conduct of the assembly and popular leaders, and oppressed by poverty, he was often tempted to sell on any terms.*

By letters patent, under the great seal, he established a

* Logan MSS.

council of state, composed of ten members, chiefly quakers, and his intimate friends, of whom four made a quorum; who were empowered "to consult and assist, with the best of their advice, the proprietary himself or his deputies, in all public affairs and matters relating to the government." And, in his absence, or on the death or incapacity of his deputy, they, or any five of them, were authorized to execute all the proprietary powers in the administration of the government. The members of the council were removable at the will of the governor, who might increase their number at pleasure.*

The proprietary was again much perplexed in the choice of a deputy. His selection of a stranger, in Blackwell, had proven unfortunate. In confidence, that one chosen by the assembly would preserve their love and respect, he offered them the nomination. But they declined, from modesty, or from inability to make a proper selection. His choice fell upon Andrew Hamilton, one of the proprietaries of East Jersey, and formerly governor of East and West Jersey. James Logan was appointed provincial secretary and clerk of the council.†

This officer, who was of a respectable and wealthy family, originally of Scotland, but last established in Ireland, accompanied the proprietary on his present visit to the province. In him Penn had unbounded confidence. To his care he entrusted all his private and public affairs in the colony. He became chief commissioner of property, or agent in the purchase and sale of lands, receiver-general, member of council, president of council, and chief justice. During the life of William Penn, and the minority of his children, he managed, exclusively, the family interests in the province. The governors were respectively directed to conduct themselves by his counsels, and in proportion as they adhered to this instruction, their place was rendered easy so far as that depended on the proprietary family. If

* Names of the council.—Edward Shippen, John Guest, Samuel Carpenter, William Black, Thomas Story, Griffith Owen, Phineas Pemberton, Samuel Finney, Caleb Pusey, John Blunston. † Proud. Logan MSS.

they disregarded his admonitions, they were removed. In a word, whilst others bore the proprietary's commission, the power which it should have conferred, was vested in Logan alone. Never was power and trust more safely bestowed for the donor. The secretary faithfully devoted his time and his thoughts to promote the interests of his master, and bore with firmness, if not with cheerfulness, the odium which his unlimited devotion drew upon himself.*

The administration of governor Hamilton was of short duration, and embittered by the disputes of the assembly. The representatives of the territories refused to meet those of the province at their October session; and the latter declared their intention to dissolve the union. The governor represented the effect which their dissentions would have upon the important question, relative to the proprietary governments, then agitated in England: he urged the injury which would result to their commerce from the loss of the tobacco trade, the staple of the territories; and protested against the breach of the charter, by increasing the number of representatives before the stated day of election. These reasons induced the assembly to adjourn to the sixteenth of the next month. In the meantime, writs were issued for the election of members from the lower counties, who convened at Philadelphia, on the day to which the provincial members had adjourned, when the latter also assembled; but no persuasion could effect their union in one legislature. The territories contended they had not accepted the constitution, and that they were now met on the governor's writ; that by a union with the provincial members, elected under the charter, they would sanction that instrument, against the wishes of their constituents; and that, deriving their authority from different sources, such an assembly would be an anomaly in legislation. The provincial members had abated somewhat of their desire to legislate alone; yet they were careful to preserve their dignity, by evincing little disposi-

* Logan MSS.

tion to conciliate, either the territorial members or the governor. The latter dismissed both sets of representatives, but not until the provincialists had made a formal demand for a separation from the territories, and the increase of their own representatives, pursuant to the supplementary article of the constitution.

This separation was final. Governor Evans, in 1703, endeavoured to effect a re-union. But the provincial assembly, through David Lloyd, their speaker, returned a mild and evasive answer to his address upon this subject, pleading their fears that a re-union would be unconstitutional, as there was no provision for such a measure to be found in the charter. To the territories, which had repented of their intractableness, Lloyd spoke undisguisedly. He reproached them with their former obstinacy, and declared that the interests of the province forbade a re-union, since the laws which should be enacted by a legislature, composed in part of representatives from a country not included in the charter to Penn, could not be valid by virtue of that charter.*

The proprietary, who had departed from Philadelphia the first of November, 1701, arrived in Portsmouth about the middle of December. His influence was sufficient to arrest the passage of the bill for converting the proprietary into royal governments; or, probably, it was merged in the projects of a new reign. William III. died January 18th, 1702 and was succeeded by the princess Anne of Denmark, with whom Penn became a favourite.† His love of the court, and the effect with which the royal favour enabled him to serve his friends, had always kept him near the throne, whilst he could enjoy the smiles of the sovereign. His attachment to the infatuated and despotic James had involved him in suspicion and disgrace; but his devotion to the queen, to attend whom, he took lodgings at Kensington, gave him reputation, and power to serve his colony and his sect.

Although the bill for abolishing the proprietary governments had failed, the disposition to make them more depend-

* Votes. Logan MSS. † Proud. Clarkson.

ent upon the crown still existed, and manifested itself in an act of parliament, requiring the royal assent to the appointment of deputy-governors. It was necessary, therefore, that the appointment of governor Hamilton should be confirmed by the crown. But a long interval elapsed before the assent of the queen was obtained. A party had grown up in the province, composed of members of the church of England, directed by colonel Quarry, judge of the admiralty, and John Moore, advocate of the admiralty and register-general under the proprietary, to whom was occasionally joined John Guest, the provincial chief justice. A church of this faith was opened in the year 1700, under the direction of Evan Evans, a clergyman, sent out by the bishop of London pursuant to the reservation in the royal charter. Beside the jealousy incident to opposite religious principles, the church party had some important reasons for disliking a Quaker administration. The war which prevailed between France and England, exposed the colonies to visits from the enemy, and a petty privateer might blockade the Delaware, destroy the trade of the province, and levy contributions on the inhabitants, whilst the pacific principles of the assembly prevented them from appropriating a shilling for defence. In the mother country all questions of civil and criminal jurisprudence were determined under the dread solemnity of an oath; whilst in the province, property, nay, life itself, was passed upon by judges and jurors under a simple affirmation. If the Quakers, conscientiously scrupulous in the use of arms and oaths, sought a government under which their scruples might be protected, the churchmen, with equal reason, pleaded that their consciences required, that they should defend their properties and lives, by arms, against open violence, and by oaths, against insidious fraud. To these promptings of conscience, political ambition, inseparable from political freedom, was a powerful auxiliary.*

The church party beheld with delight the disposition of the ministry to change the proprietary into royal governments, and urged the unfitness of the Quakers to govern in seasons of war, as an especial reason for making this change

* Logan MSS.

in Pennsylvania. They watched the administration with great vigilance, and exaggerated every matter which they considered offensive, in their reports to the queen. They delayed the confirmation of governor Hamilton, by accusing him of having been concerned in illicit trade; embarrassed his government in the territories, by suggestions, that without such confirmation he could not legally exercise gubernatorial power; and covertly fomented the disputes between the governor and provincial assembly, in order that a state of general confusion might hasten the resolution of the crown to resume the government, or induce the proprietary to abandon it. Their intrigues rendered it necessary that the proprietary should constantly reside at court, or employ an agent there to correct misrepresentation; and so far excited his indignation, that he directed governor Hamilton to remove Moore from all offices he might hold under him, and exerted himself successfully to procure the dismission of colonel Quarry, for a short period, from the admiralty. The place of the latter he procured for Roger Mompesson, who was at the same time constituted judge of the admiralty of New York and the Jersies, and appointed by Penn attorney-general of Pennsylvania. He had also a commission of chief justice of the province, which he proposed to exercise, in case the assembly would attach to that office a salary of not less than one hundred pounds per annum.*

Governor Hamilton endeavoured to provide for the defence of his province by the creation of a militia. One company was formed in Philadelphia, and others proposed in various parts of the province and territories. Of this first militia company of the province, George Lowther, a gentleman from Yorkshire, bred to the law, and subsequently proprietary attorney-general, was the first captain. The salary of governor Hamilton, as fixed and paid by the proprietary, was two hundred pounds per annum, for the time of service before confirmation by the queen, and three hundred pounds afterwards. He died at Amboy whilst on a visit to his family, who resided at that place, on the twentieth of April, 1703.†

* Logan MSS. † Ibid.

By his death, the duties of his office devolved upon the council, of which Edward Shippen was president.* The people, approving the conduct of their representatives, in dissolving the union with the territories, returned eight members from each county to the assembly. But the house was obstructed in their legislative duties by the doubts entertained by the council of its own powers. In the commission from the proprietary, it could find no authority to join in the enactment of laws. After some delay, the house adjourned, having adopted a resolution declaratory of their rights under the new organization.

But their adjournment to a distant day did not escape the animadversion of the council, who wished to restrain the exercise of that right to adjournments from day to day, or at most to short periods. The right of the house "to sit upon their own adjournments" was unqualified. The construction given to it by the council rendered it useless, and was dictated by the conviction that, in its unlimited exercise, the prerogative of the governor to prorogue the assembly was invaded. To avoid the evil effects of a precedent, the council prorogued the assembly to the day to which it had adjourned.

* April.

## CHAPTER VIII.

Appointment of governor Evans····He attempts to re-unite the province and territories····Addresses of the assembly to the queen····Oaths required by order of council····Bill for confirming the charter····Disputes between the governor and assembly····The assembly address the proprietary, and treat him with great indecorum····The province divided into two parties under Logan and Lloyd····Governor applies in vain to the assembly, for a copy of the address to proprietary ····Receives the proprietary's opinion of the provincial disputes····Assembly alarmed for their popularity····The proprietary party is inspirited····Biles, a member of the assembly, is prosecuted by the governor····The house interfere ····The governor angrily prorogues the assembly····The assembly are intimidated and divided····The proprietary party triumph in the election of a new assembly····Labours of the assembly····Evans attempts to establish a militia····Devises a stratagem to test the principles of the Quakers····Conduct of Logan····Fort at Newcastle, and duty imposed for its support····Becomes grievous to the province····Enterprise of Richard Hill and others····The governor endeavours to prevail on the house to pass a militia bill····Judiciary····A new assembly favourable to the popular party ····Debates on the judiciary bill····The governor threatens to establish courts by his ordinance····Remonstrance of assembly····Conference····Governor takes offence at the manner of Lloyd····The assembly take part with their speaker··· Lloyd's apology to the house····The assembly impeach Logan····Governor declines to try the impeachment·····The assembly remonstrate with the proprietary on the conduct of Evans, Logan, and the grievances of the province···Continuance of the disputes····Provincial trade interrupted by

privateers····Efforts of Evans to induce the assembly to defend the province····Unwise proceedings of the assembly ····Recall of Evans.

The proprietary's choice of a successor to governor Hamilton fell on Mr. John Evans, a young man of six and twenty years of age, and of Welsh extraction. He was earnestly recommended to secretary Logan, under whose direction he had promised to place himself. He arrived in the province in February, and soon after increased the number of the council, calling to that board, with others, William Penn the younger, who had accompanied him to the province. Pursuant to the instructions of the proprietary, he earnestly applied himself to re-unite the province and territories; and his want of success in this measure, produced an unfavourable disposition towards the former, which embittered his whole administration.*

The assembly prepared two addresses to the queen, one, congratulatory upon her succession, was styled "the address of the freemen of the province of Pennsylvania in general assembly met;" and the other, having the official marks of the first, was entitled "the humble address of the people called Quakers, convened in assembly at Philadelphia." Both were passed on the same day, and were signed by Lloyd as speaker of the house, and are entered upon the minutes as acts of the assembly.† This has much the appearance of identifying Quakerism with the government, and declaring it the religion of the province. The style and character of the latter address is the more extraordinary, as the Swedish and Dutch Lutherans were numerous, and the Episcopal church had already attained considerable importance; Mr. Evans having collected a large congregation, composed chiefly of "Friends," who had separated from the meeting.‡ This singular address was occasioned by an order of the privy council of January, 1702, requiring all officers to take the oath or affirmation prescribed by the statute 7 and 8, William III.; and direct-

* Proud. Votes. Logan MSS. † Votes. ‡ Holmes.

ing that all persons willing to take an oath, in public and judicial proceedings, should be permitted so to do. The ordinance was more tolerant than the statute, which did not admit the affirmation to be taken by persons in office; still it bore hard upon the Quakers, to whom it was as grievous to administer, as to take an oath. Nor could the terms of the affirmation be acceptable, as they merely changed the form of the invocation of the Deity; the statutory affirmation requiring the affirmant to declare the truth "in the presence of Almighty God." This ordinance was hostile to the most cherished principles of the constitutions of 1696 and 1701, and produced great confusion in the province, suspending the business of the courts, and disqualifying many of the judges. The object of the address of the assembly was to procure its revocation. In the mean time, presuming on the justice and reasonableness of their prayer, they proceeded to pass a bill, substituting affirmations for oaths in all cases; but the governor refused to sanction it.*

The dispute with the late council relative to the power of the house to adjourn, induced the assembly to prepare a bill for confirming their charter, in which this right in its fullest extent was affirmed, and the power of the governor to prorogue or dissolve them was denied. The constitution of 1696 recognised the power of the executive to prorogue, but not to dissolve the assembly. The constitution of 1701 was silent upon this subject, and the house inferred that it was virtually abolished by the clause which guaranteed their right to adjourn and meet at pleasure. But the governor and major part of his council deemed the prerogative too important to be surrendered by mere implication. Both parties adhered pertinaciously to their respective opinions, and their obstinacy proved a barrier to all other legislative measures.

The assembly were highly offended by the governor's opposition to their views. They sent him a sharp remonstrance, and resolved to address the proprietary upon their grievances. The approaching end of the session not permitting this ad-

* Votes. Logan MSS.

dress to be prepared at full length, its substance was compressed into nine resolutions, which were referred to a committee, with instructions to frame a memorial thereon, which, being approved by a second committee, was transmitted to the proprietary. The committees did not fail to better their instructions; giving full scope to their angry passions, their language was harsh and ungrateful, evincing a total want of respect for the founder of the colony. They accused him of having defeated by his artifices the several privileges he had solemnly granted: of having by himself and deputies illegally convened, prorogued, and dissolved the assemblies: of having neglected the interest of his people, suffering their laws to remain unconfirmed by the crown, and their consciences to be oppressed by the administration of oaths: and of having occasioned great abuses and extortions by negativing the law of property in 1701. They complained that in all things not expressly provided for in the charter, they were without remedy; the governor refusing to enlarge or explain what the proprietary had granted: that in questions relating to real estate, justice was denied them; the clerks and judges of the courts being appointed by himself, the former refused to issue process, and the latter were partial in their judgments: that his officers, without visible estate, abused and defrauded the people, and as they had given bonds for the faithful performance of their duties to the proprietary only, the injured were without redress; and that his commissioners of property vexatiously delayed to satisfy purchasers whose surveys were deficient in quantity.(1)

This address was drawn by Joseph Wilcox, and exhibited to four members only of the committee, and by some of them was condemned. It was not reported to the house, but was signed by Lloyd, as speaker, after his term of office had expired. A copy, together with a private letter from him, was sent to George Mead, George Whitehead, and Thomas Lowrie, distinguished Quakers in London, requesting their interposition with the proprietary to obtain redress. Soon after

(1) See Note Z, Appendix.

the meeting of the next assembly, a copy of the address was read in the house, and being disapproved, Lloyd, again elected speaker, was commanded to recall it. In executing this command, he is said to have acted with great duplicity, reversing his public instructions by private letters to the bearer of the remonstrance. The messenger was captured by the enemy and taken into France, when all his papers, falling into the hands of a friend of the proprietary, were sent to him. But, duplicates of the remonstrance, copy, and accompanying letters, soon after reached their proper destination. Highly indignant at the manner of this address, and its communication to others, the proprietor resolved to prosecute David Lloyd, as its author, for high crimes and misdemeanors, and directed that he should be indicted, sending over the original remonstrance, bearing his signature, to be given in evidence. This design was found impracticable, and was wisely, though reluctantly, abandoned by Logan.*

The election for assembly resulted in the choice of the major part of the former members, who were rendered still more averse to the governor by an attempt on his part to organize a militia from among such of the citizens as were not conscientiously scrupulous of bearing arms. The inhabitants were now distinctly divided into two parties, the proprietary and the popular. The governor was ostensibly the head of the first, but it was guided by the talent of Logan. David Lloyd was the leader and vital spirit of the second. Both had learning and ability, but their characters were opposite. Logan was haughty, reserved, and aristocratic; his interest and temperament alike led him to the side of the proprietary. Lloyd was accessible to all, affable in his manners, pertinacious in his enterprises, and devoted to the people. His legal acumen and habitual disputation gave him many advantages over his active but less practised antagonist. On the one side the major part of the council, the judges, and other officers dependant upon the crown were arrayed, whilst the other was supported by many of the oldest and most re-

* Logan MSS.

spectable inhabitants, and by a united and unyielding assembly.

With forces thus marshalled, each party seized with avidity the slightest occasion for combat. The house indignantly refused to attend the governor, in conference on the vexatious bill for confirming the charter, and, in retaliation, the governor scornfully declined to appoint a committee from his council to confer with the house. And his refusal to commission a sheriff, elected for the county of Philadelphia clearly against the constitution, drew from the assembly severe but unmerited reprehension.

The memorial to the proprietary had been concealed from Evans, and though a knowledge of its existence was now obtained, yet its contents were still unknown to him. Apprehensive of rudeness, he did not address himself, at first, directly to the assembly to obtain a copy, but procured an application to be made by several members of the council and other respectable citizens. The house replied by a vote, "that no copy should be given without their particular order." A formal demand was then made by the governor, accompanied by a reproof, for resorting to the proprietary on subjects within his jurisdiction, a protestation of his right to be informed of all measures sanctioned by a vote of the house, and a pledge to redress their grievances to the extent of his power. He artfully intimated, that as the remonstrance was the act of the former, there rested no responsibility upon the present, assembly. The house took no notice whatever of this message, and the governor, stung with their contempt, determined to prorogue them; but, protesting against this right, they adjourned to a day of their own choice.*

In the interim, the governor received letters from the proprietary, condemning the pretensions of the assembly, as exhibited in their bills for confirming the charter, and regulating property; accusing them of ingratitude, and reprobating, in strong terms, their remonstrance. "If that letter," said he, "be the act of the people, truly represented, it was sufficient to cancel all his obligations of care over them; but if it were done by particular persons assuming to act for the

* Votes.

whole, he expected the country would purge themselves, and take care that due satisfaction was given to him."

The governor triumphantly communicated the sentiments of Penn to the assembly, at their next meeting.* He availed himself of this opportunity to enforce upon them the necessity of providing for the maintainance of the government, and contributing to the general defence; threatening them, that should the proprietary, offended by their conduct, transfer the government to the crown, even their rights under the royal charter would not be secure, unless purchased by donatives to the administration at home.

The reply of the house was temperate and cautious. As their memorial had became very unpopular, they feared to avow their approbation; and their notice of it is a model of equivocation. "As to the representation or letter, sent to the proprietary," they say, "by a former assembly, or in the name of a former assembly, which he takes, it seems, as an indignity, and resents accordingly, it not having been done by this house, but being the act (or in the name) of a former, as we are not entitled to the affront, (if any be) neither are we concerned in answering it. Our part is to lament (as we really do) that there should be true occasion for such representation, or, if none, that it should be offered to our proprietary, whom we both love and honour; and, therefore, we hope his obligations of care over us and the people of the province, by no such means shall be cancelled." The appeal of Penn to the province, produced a great and sudden effect. The landholders were abundantly ready to support the assembly in their demands for an increased per centage for roads, and for such a construction of the charter as extended and preserved the popular power: but they had not yet forgotten the virtues and services of the proprietary, nor did a great proportion of the people cease to view him as a distinguished apostle of their peculiar faith. The gross attack upon him roused the public indignation against its authors, whose humiliation led them to a more conciliatory course. They now

* May. Votes.

voted twelve hundred pounds for the support of government, to be raised by an assessment of two-pence half-penny in the pound on the value of real and personal property, and a poll tax of ten shillings per head. Of this sum, six hundred pounds and the proceeds of a duty on the importation of wines, spirits, and cider, were granted to the governor, whose convenience they anxiously consulted at their adjournment.

As the spirit of the popular party sunk, that of the governor and his friends mounted. The latter displayed itself intemperately, in a message to the house, and in the prosecution of Biles, one of its members, who had spoken disrespectfully of Evans, and had threatened to "kick him out." This the latter chose to understand as an indication of a design forcibly to expel him from the government. He brought an action against Biles, and had the process served during the session of the assembly. Biles pleaded privilege, and prayed an imparlance. His plea was overruled, and his prayer denied. The house, on his complaint, resolved, that the sheriff and the judges had committed a breach of privilege. The governor haughtily demanded that Biles should be expelled; but the assembly negatived a motion to that effect, and declared they had no power to expel a member for words spoken out of the house; and that service of process upon a member, for any other cause than treason, felony, or breach of the peace, was a violation of their privileges. "If they had power," they said, "to expel a member, for words so spoken, it could not be justifiably exercised in the present case, after the measures which had been taken;" and offering themselves as mediators, they prayed the governor to accept an apology from Biles, instead of seeking damages at law.

Upon these proceedings, the governor immediately summoned the assembly to his presence, and informed them, that his patience, which had been sustained by the hope of expediting public business, was exhausted by their protection of one who had slandered and threatened him with violence, and who, so protected and irresponsible in the ordinary courts, might execute his threats with impunity; that, two years having been wasted, it was vain to expect that they would

now apply themselves to business; he therefore dismissed them until further orders, anticipating that, when they next met, he should find them better disposed.*

The unanimity of the house had been already broken, and this vigorous attack filled it with consternation. A quorum could not be kept together, and Lloyd, though still at the head of the larger part of the assembly, was reduced to inactivity, and compelled to abandon the field in which he had distinguished himself for two years by his ability and violence. This syncope of the legislative power was attended with no ill effects to the people. Their morals required little restraint, and their labours no aid, from legislation. The governor suffered most; the resolution relative to his support not having been carried into effect.

Eleven members only of the former house were returned to the next assembly, and of these, seven were of the governor's party. Leaving undisturbed the vexatious questions, on which their predecessors were wrecked, the house, of which Joseph Growden was elected speaker, applied itself sedulously to business, re-modelled thirty bills, which had been returned, with objections, by the privy council, and enacted many new laws. Among the latter, two acts deserve particular notice; one, prohibiting the sale of Indian slaves; the other, imposing a duty of forty shillings per head upon the importation of negroes, with a drawback of one-half on re-export. They heard, without murmur or reply, that the proprietary had not even presented to the queen the address, praying for exemption from oaths, because of the circumstances with which it was attended. They provided liberally for the public support, and, having voted an affectionate address to Penn, they solicited the governor to recommend them as faithful and loyal to their sovereign, loving and respectful to the proprietary, and the present administration.

Ordinary prudence and decent respect for the religious opinions of the people on the part of the governor, might have preserved the harmony of the province. Unfortunately,

* Votes.

Evans possessed neither. He was fond of military display, contemned the unostentatious religion of the Quakers, and doubting the sincerity and firmness of their antibelligerent principles, he resolved to subject them to the test of apparent danger. The war declared in 1701, against the French and Spaniards, still continued. It had been severely felt in the northern, and had created much alarm in the middle and southern provinces. Pennsylvania, alone, neither expressed apprehension nor took measures for defence. Her assembly had resisted every effort to place her in hostile array. But the governor believed, that all scruples to take arms would fade before an invading force. Under this conviction he concerted a stratagem with one French, of Newcastle, Clark, an attorney, of Philadelphia, and others of his associates.

On the day on which the annual fair was held in Philadelphia, French despatched a messenger, in great haste, and seeming consternation, to the governor, with news that the enemy's ships were in the Delaware, and making for the city. This intelligence was instantly published, and Evans, mounted on horseback, with his sword drawn, rode through the streets in well-feigned alarm, commanding and entreating the people of all ranks and opinions to arm for the public defence. A general panic immediately prevailed. The shipping disappeared from the wharves, the boats and small craft crowding into the neighbouring creeks, and the larger vessels running up the river above Burlington. Plate and other valuables were thrown into wells and privies, whilst the owners sought security in the nearest covert; and several pregnant women were untimely delivered by their fears. A few incredulous men preserved their presence of mind, and laboured to restore order to the affrighted city. The falsehood of the report was ascertained before night, and its authors were compelled to seek in absence their own safety from the vengeance of the people.*

This experiment on the principles of the Quakers was

* Votes. Logan MSS.

wholly unsuccessful; the greater part attending their religious meeting, as was their custom on that day of the week, persisted in their religious exercises, amid the general tumult, instead of flying to arms as the governor had anticipated. Four members only repaired with weapons to the rendezvous.* The conduct of secretary Logan on this occasion, as represented by the assembly, was extraordinary and indefensible. A Quaker of high moral character, learned and enlightened, he submitted to play a puerile and subordinate part in this shameful farce. Under pretence of observing the enemy, he went upon the river, and communicated with the governor by concerted signals, and staying a sloop whose arrival would have exposed the falsehood, he displayed from her masts simulated French colours.†

The indignation of the people, awakened by this ill-judged stratagem, was much increased by another step of the governor. At his instance a fort had been erected by the territories at Newcastle, avowedly for the protection of the river, but, really, as the provincialists inferred from its use, to vex the trade of the province. All vessels navigating the Delaware were compelled to report themselves, under a penalty of five pounds, and a specific sum for every gun fired to bring them to. Inward bound vessels, not owned by residents, were subjected to the duty of half a pound of powder per ton, of the capacity of the vessel. The provincialists remonstrated against this abuse in vain. At length Richard Hill, William Fishbourne, and Samuel Preston, Quakers, distinguished by their private character and public services, resolved to resist the imposition. Hill and his companions on board a vessel of the former, dropped down the river, and anchored above the fort. Fishbourne and Preston went ashore and informed French, the commander, that their vessel was regularly cleared, and demanded that they might pass uninterruptedly. This being refused, Hill, who had been bred to the sea, stood to the helm, and passed the fort, with no other injury than a shot through his mainsail. French pursued in an armed boat,

* Among these were Edward Shippen, Jr. John Hunt, and Benjamin Wright. Letter of J. Norris. Logan MSS. † Votes.

and was alone taken on board, and his boat, cut from the vessel, falling astern, he was led prisoner to the cabin. Governor Evans having received intimation of the intention of Hill and his companions, followed their vessel by land to Newcastle, and after she had passed the fort, pursued her in another boat, with Fishbourne and Preston, to Salem, where he boarded her in great anger, and behaved with much intemperance. Lord Cornbury, governor of New Jersey, who claimed to be vice-admiral of the river Delaware, being then at Salem, the prisoner was taken before him, and having, together with governor Evans, been severely reprimanded, and giving promises of future good behaviour, he was dismissed with the jeers of his captors. After this spirited action, the fort no longer impeded the navigation of the Delaware.(1)*

The governor, whose duty it certainly was, by proper means, to place his province in a posture of defence, and who might justly fear that the religious scruples of its principal inhabitants would invite the attack of the enemy, endeavoured now to persuade the assembly to enact a militia law. But his late measures had alienated the affections of that body. Its members were more disposed to inquire into the abuses of his power, than to strengthen it by laws repugnant to their consciences. Instead of a militia bill, therefore, they sent him a remonstrance against the authors of the false alarm, and required, that they, together with some persons who, at that time, threatened the lives of several of the citizens for endeavouring to carry away their goods, should be brought to condign punishment. They denied the expediency of arming the province, and pleaded their inability from poverty.

The privy council, in England, having disapproved, among other acts, that, establishing the courts of justice in the province, the assembly was convened in September to prepare a substitute. But the views of the governor and the house were so widely different upon this subject, that no agreement could be effected. The governor intimated an intention of establishing a judiciary by his ordinance, in virtue of a power

(1) See note A 2, Appendix. * Proud. Logan MSS.

which he claimed by the royal charter; but the house protested against his construction of that instrument, and having prepared another address to the queen, on the order of council relating to oaths, they adjourned. The rejection of the judiciary act by the privy council was effected, probably, by the influence of the proprietary, at the instance of secretary Logan, who represented its repeal (contrary to the sentiments of the legislature) "as much to the country's advantage, it having been drawn up in haste by that disaffected man, David Lloyd, and that were it once repealed, the proprietor would have power by the charter from the crown to erect all courts for the administration of justice by himself or lieutenants."*

By the election in October, the ascendency of the popular party was restored. Lloyd and his associates were returned to the assembly, of which he was again chosen speaker. The judiciary bill was now the chief object of public attention. A plan was submitted to the house by the governor, but was rejected without hesitation, and one prepared by them was equally exceptionable to him. The house proposed, 1. The establishment of a supreme court, with three judges, to be appointed during good behaviour, holding semi-annual terms in each county; but having no original jurisdiction nor power to remove causes from inferior courts before judgment. This court was to have an equity side, with appellate jurisdiction only; and an appeal was to be allowed from its judgments or decrees to the queen in council: 2. A court of common pleas, quarter sessions, and orphan's court, composed of a competent number of justices, commissioned by the governor, any three of whom to be a quorum, having cognizance in the sessions of all offences save felonies of death; and having also power to grant tavern licenses. In the common pleas the justices were to hold quarterly terms for the trial of causes in law and equity. 3. That fines, forfeitures, and amercements, adjudged by the courts, should be appropriated to the payment of the salaries of the judges, who were to be

* Logan's letter to W. Penn, April, 1708. Logan MSS.

removable on the petition of the assembly: 4. That the judges should appoint the clerks of their respective courts: 5. That the fees of the several officers of the province should be established by law: 6. That freeholders be privileged from arrest for debt, unless about to depart from the province, or abscond, or refuse to give bail.

Governor Evans objected to almost every feature of this bill. To the number of judges of the supreme court, their independence of the executive, and their appointment of clerks; to the constitution of the courts of equity; to the power of granting tavern licenses by the sessions; to the appropriation of the fines, forfeitures and amercements; to the privilege of freeholders from arrest; to the appeals allowed from the common pleas to the supreme court, and to the present establishment of a fee bill. Considering the supreme court as a tribunal for the correction of errors in law, as a guide and director of inferior jurisdictions, he held one judge of competent learning, sufficient. Against the appointment of three, he urged the paucity of subjects qualified for the office, the high salaries that must necessarily be given, and the scanty means for their payment. The power to appoint and remove from office he claimed as a proprietary prerogative, which could never be abandoned to the legislature. Admitting the propriety of a court of equity, he required that its powers should be vested in the governor and council, or in commissioners, occasionally appointed by himself. He insisted, that the power of granting tavern licenses, and the proceeds of fines and forfeitures, were personal rights of the proprietary, due to him for his care of the people, and by the royal charter.

The two last points were important in a political and pecuniary view. The productive harvest which they promised, seen through the vista of years, might well justify a struggle. The amount received for tavern licenses, and fines and forfeitures, formed a considerable portion of the proprietary income, and justified the fears of the people, that their governors would become independent. By the true construction of the charter, these rights of the proprietary were appur-

tenant to his political character; he was the receiver for the public of these funds, which were subject to the disposition of the law. This ground was not at first taken by the popular leaders, who assented to the proprietary claims, and defended their appropriation by the necessity of granting them to the queen, in case the government should be surrendered.

The governor endeavoured to strengthen himself by increasing the power of his council. He had made it a formal party in his objections to the judiciary bill, and required that the equity court should be constituted from its members. But the house refused to recognise that body in any other character than an executive council, the creature of the governor's pleasure, called to advise him, but having no legislative power, nor pretension to obtrude its sentiments upon them.

A long protracted discussion of the judiciary bill, induced the governor again to threaten that he would have recourse to the power granted by the sixth section of the royal charter, which, as his council, his lawyers, and, most probably, his instructions from the proprietary, advised, extended to the erection of courts of justice, without the authority of the assembly. This opinion was dictated by party feeling alone. For the preamble of the section looks only to cases that will not brook delay, and the limitation at its close, shows that it was not to extend to the ordinary subjects of legislation, but to those of a momentary nature, such as sudden breaches of the peace, imminent danger to the public health, or unforeseen changes in the relations with the Indians, or with a sister colony. To infer from this section a right to erect courts, was virtually to claim the power to legislate in all cases. The house, therefore, not only denied the inference of the governor, but they declared all persons, who should advise him to re-establish the courts without their consent, enemies to the justice, tranquillity, and welfare of the province.

It was at length proposed, that a personal conference should be held between the governor and assembly, and Lloyd was

appointed manager on the part of the house. The hostility between the governor and speaker prepared them to take offence from the slightest inadvertence; and the conference was broken up by a breach of etiquette. Lloyd continued for some time to rise, when he addressed the governor, or answered the questions put to him; but at length he replied whilst seated. The governor commanded him to rise; but Lloyd, animated by a spirit not at all conciliatory, refused, and claimed, as the representative of the majesty of the people, to be exempted from this tribute of respect, in a conference where equality was indispensable, and was sanctioned by precedent. Upon this the assembly retired, in order, as they expressed themselves, that "the difference might not terminate in unseemly language." They immediately sent a committee to express their regret to the governor, for the misunderstanding, to offer an apology for their speaker, and to invite a continuance of the conference, by committees appointed by the governor and house respectively. But further conference was refused, until atonement should be made by the speaker for his insult to the queen's authority, in the person of her representative. The assembly, believing the message they had sent was an ample apology, and more disposed to justify than humiliate their speaker, not only declined the condition, but suffered Lloyd to enter his defence at large upon their minutes. The whole of this paper is given as an example of his style, and of his manner towards the executive.

"I am heartily sorry that what has happened at the conference should create this house so much trouble. You are my witnesses, that I paid my regards to the governor, and stood up when I spoke, till it was concluded we should not proceed any further upon the first point till the statute could be produced; and, seeing it was too late to send for it, and thinking our stay at the conference would be of little service without it, I put up my papers, intending to return to the house; but some of the governor's council pressing to go on with the next point, before the first was brought to a close, I thought it improper to say much to them on that head; and, being

tired of rising so often as I did before, to answer so many opponents, I kept my seat, and spoke some things in answer to those counsellors whilst still sitting, which the governor was pleased to resent, and required me to stand up. But, considering that we came there in expectation of a free conference, (as I informed the house before) though I am willing (as I told the governor) to pay all civil regard unto him, yet in this case I thought myself under the direction of this house, and not to be commanded by any other upon this free conference. I shall readily acknowledge that standing up at all conferences, as well as in other councils, is a decency even among equals; and yet I do not conceive that it was ever enjoined but to the end, that the person standing may be heard, and that the rest may not interrupt; so that I do declare, that it was and is my positive judgment, that if the governor thinks fit to be present at such conferences, and there exerts his commands on any manager or other member of the house, such commands are inconsistent with the freedom of such conferences, and offensive to this house: and, if I am mistaken, I desire this house to construe it as the error of my judgment and not of my mind; and I do solemnly declare, that my refusing to comply with the governor's humour, (for so I conceive it to be where he exerts his commands where he should not) was not with a design to affront him, but to show my dissent to that which I thought had a tendency to frustrate the freedom of conferences; not knowing, if I complied with this, whether the next command would not more highly affect the rights and privileges of this house, which I am conscientiously concerned to maintain every where; and if, in this case, I have done any thing unbecoming the station you have put me in, I shall freely submit to your censure."

This vindication was followed by several resolutions, whose spirit was embodied in an address from the assembly to the governor, which displays the temper of the times, and the weapons of men who were forbidden the use of the sword.

"We hoped," said they, "our last answer would have given the governor full satisfaction in relation to the present

misunderstanding, occasioned by the late conference, yet finding, by his message just now sent to the house, that he expects further acknowledgment, the house has thought fit to signify, that the speaker having submitted himself, in relation to his deportment at the said conference, to the censure of the house, as to the place where he is properly accountable for any mismanagement there, and the house, having considered that no rules or orders were enjoined upon him, in relation to modes and gestures of sitting or standing whilst speaking, as not apprehensive of consequences, cannot, with colour of justice, censure him for mismanagement, or otherwise, for breach of any rules or orders of the house. But, forasmuch as standing up, whilst speaking before the governor, is acknowledged by us to be a decent and convenient posture, we have censured the speaker's sitting, whilst speaking, as he did, to be inconvenient: and had we in the least foreseen the consequences, and that the governor would have resented it as he did, we would have taken measures to avoid it. But, seeing the speaker has submitted himself to the judgment of this house, and satisfied us that it was not with the design to affront the governor, we hope the governor will consider, and accept of our proceedings and acknowledgments as the ultimate we can give; and, without delay, proceed with the conference, or otherwise to pass the bill, it being the opinion of this house that the matters now under consideration, however high the governor may strain them, are not of sufficient weight to retard or obstruct the public good." Notwithstanding the irony of this address, the governor received it as an oblation, though not an adequate one, to his offended pride; and he demanded, in vain, a personal apology from Lloyd. At length the house, being charged with having violated the queen's majesty, in the person of her representative, chose to close this ridiculous affair, by a long and solemn memorial, recapitulating the facts and the arguments on both sides. It is difficult to say which is most to be admired in this quarrel, the governor's puerility, or the assembly's solemn mockery of his pretensions. The governor, unable to change the opinions of the house, established a judicature by proclamation.

The assembly had now become highly exasperated, by the continued opposition of the governor to their wishes. He was protected from their anger by his station, but the secretary was deemed assailable. He was the strength of the executive, and the unpopular measures were ascribed to his influence. He was obnoxious from his rigour in enforcing the proprietary rights, and the payment of the quit-rents. Thirteen articles of impeachment were prepared against him, and solemnly presented by the house to the governor and council. He was accused, 1, That, contrary to the royal charter, he caused to be inserted in the governor's commission a clause, requiring the proprietary's sanction to the enactment of the laws; 2, That, in violation of the constitution of 1701, he inserted a power in such commission, to convene, prorogue, or dissolve the assembly; 3, That he assumed to himself the powers of the commissioners of property, substituted his own grants for the confirmation of lands, and refused copies, required for the purpose of taking counsel on their validity; 4, That he reserved quit-rents for lands before they were located, and for lands allowed for roads and errors in surveys; 5, That, contrary to law, he issued warrants for re-surveys, thereby disquieting the queen's subjects in their possessions; 6, That, without legal authority, he partitioned lands among persons having undivided rights, without the consent or privity of all the owners; 7 and 8, That he suppressed the objections of the commissioners of trade and plantations, to several provincial laws, whence other laws, subject to like objections, were enacted; 9, That he kept in his own hands the offices of proprietary's secretary, and surveyor-general; 10, That he detained from the rolls-office the laws enacted by the last assembly, preventing copies from being taken; 11, That he illegally detained some, and vacated other patents, forbidding the master of the rolls to grant copies of them; 12, That, after the charter of privileges, and the charter of the city of Philadelphia had passed the great seal, he, to the dishonour of the proprietary, and with a wicked intent to create division and misunderstanding between him and the people, did at divers times, and on several occasions,

declare that the proprietary never intended to grant several things, which are expressly granted by these charters; 13, That, with design to betray the rights and privileges of the people, in regard to elections, he persuaded a certain John Budd, who was duly elected sheriff of the city and county of Philadelphia, not to hold the said office by right of his election, but to take it as of the governor's donation.

The governor refused to entertain these articles. He denied that an impeachment could be prosecuted in the province, as there was no middle state, like the house of lords, authorized to decide judicially upon the accusations of the commons. The assembly appealed to the charter of 1701, which expressly gave them power to impeach criminals, and inferred, that the power to impeach, necessarily supposed a tribunal to hear and determine, which, from analogy, must be found in the other branch of the legislature; a contrary construction presumed a gross defect in the constitution, and assured impunity to the counsellors and others, near the governor, who might commit offences not cognizable by the ordinary courts of justice. For a moment, Evans yielded to this reasoning, and called upon the secretary for his defence. Logan replied, that, though youth and inexperience might have led him into measures which his riper judgment would condemn, yet the present attack was but a prelude to one on his master; and, though the charges were incomprehensible, he had designed to answer them publicly, but had refrained, from a knowledge of the governor's doubts of his right to try the impeachment. And now, though desirous of a speedy trial himself, he was not bound nor willing to plead, or enter upon his defence, until the proof of the prosecutors was exhibited. The governor not only held this objection to be valid, but returned to the opinion that he had no jurisdiction. He communicated the secretary's reply to the house, together with a memorial addressed to himself by Logan, treating their motives and conduct with great disrespect, and offered to hear their evidence, and to remedy such grievances, as they should make apparent. There was much disingenuousness on the part of the governor and secretary. The one, amusing

the people with hopes that he would try the impeachment; the other, complaining of delays, which were caused by his own machinations. Logan's resolute procrastination, renders it highly probable, that zeal for his master, and dislike of the popular party, had led him to measures not wholly justifiable.

The popular party was not of a temper to remain inactive under this treatment. They resolved to remonstrate with the proprietary, on the conduct of his lieutenant and secretary, and to direct their agents in London, in case he should delay to redress their grievances, to apply to the throne. The latter measure was hitherto equally dreaded by proprietary and people, neither of whom were desirous of the royal interposition; and the resort to this step affords strong evidence of the great irritation of the public mind.

Whilst engaged in preparing their remonstrance, the house was commanded by the governor to submit it, without delay, to his inspection, and forbidden to transmit any address to the proprietary without his approbation. They replied, that his total neglect of the administration had left them no other course than an appeal to his superiors: that their memorial embraced those matters which they had frequently submitted to him, and representations of his private misconduct, a recapitulation of which, they presumed, would not be grateful to him; nor did they recognise his right to inspect their correspondence with the proprietary, on his mal-administration.

In their remonstrance, the assembly complained, that their former grievances were wholly unredressed; and that, whilst their representations were overlooked, or censured as offensive, the reports of their adversaries were favourably received and trusted: that, by the inattention of the proprietary to their prayer to the crown, on the subject of oaths, the Quakers were excluded from employment in the government, which they claimed as a right, the exercise of which was necessary to restore the administration to its original purity: that the unsettled state of the Maryland boundary, involved the titles of the settlers near the line in doubt and obscurity: that, notwithstanding the gift of two thousand pounds to the proprietary, in consideration that he would obtain the royal sanction

for their laws, the most valuable had been repealed: that the deputy-governor had refused to pass a judiciary bill, and had established courts by his own ordinance: that, by refusing to try their impeachment of Logan, he had rendered the constitution ineffective, and suffered an evil minister to offend with impunity: that, in despite of the remonstrance of the assembly, he permitted the French from Canada to trade with the Indians, and seduce them from the English interest: that, with the assembly of the territories, he unconstitutionally interrupted and burdened the trade of the province, on the Delaware, exacting a large sum from the masters of vessels for a permit to navigate the river: that he had formed a militia, and granted privileges to those who enrolled themselves, which were continued to the great oppression of those who had refused to enlist, though the militia had not been mustered since the false alarm: that, in displeasure with the city magistrates, who would have punished his companions for their disorderly revels and night brawls, he refused to sanction a bill for confirming and explaining the city charter; had commissioned justices of the county to decide on matters arising within the city, and cognizable by its magistrates, intending, by this means, to appropriate to himself the fines levied, and to increase the number of the taverns and ale-houses, for the sake of the license-money, which he had doubled; thus raising contributions on the inhabitants without law or precedent: that he had refused to commission sheriffs and coroners elected by the people, had appointed others, and had prorogued the assembly for their remonstrance on this part of his conduct: that in his private life he was indecorous and immoral; had practised abominations with the Indians at Conestoga, committed at his country residence notorious excesses and debaucheries, not fit to be rehearsed, and had beaten several of the inhabitants, particularly a peace-officer, who, ignorant of his presence, at a house of ill fame, had attempted to disperse the company, at one o'clock in the morning; (1) and, though by his example he weakened the

(1) See Note B 2, Appendix.

hands of the magistrates, he hypocritically caused his proclamations to be read in the churches and religious meetings, against the very disorders which he himself committed: that he abused the people with false alarms, fired, and caused others to fire, upon them whilst employed in preserving their property from robbery. Against Logan, the assembly urged, his conduct on the occasion of the false alarm: that he had illegally possessed himself of the title papers of many freeholders, which he refused to re-deliver, treating the owners opprobriously when they came to demand them: that he denied patents to purchasers, who had paid for their lands more than twenty years, and forbade surveyors to locate their warrants: and that he had caused the proprietary rangers to distrain cattle running at large upon lands sold by the proprietary, converting them to his own use. This remonstrance, with accompanying documents, was transmitted to George Whitehead, William Mead, and Abraham Lower, agents of the province in London, with instructions to present them to the proprietary, and to the board of trade and plantations.

The people testified their satisfaction with these proceedings, by returning at the next election the greater part of the members of the former house. At their first session, the assembly passed unanimously the rejected judiciary bill, which was again negatived by the governor; and, at their second, he refused to proceed in any business, until he should learn the opinion of the board of trade upon that bill; and, though they again met, his adherence to his determination compelled them to adjourn without day.

The quarrel between the executive and the legislature had now reached its crisis. For two years, no benefit had resulted from the labours of either. The assembly had resisted with energy and justice the several attempts to encroach upon their liberties. The impediments to their trade, from the fort at Newcastle, the unauthorized imposition of duties, and establishment of a judicature by the governor, were founded in obvious and dangerous assumptions of power. The miserable stratagem, the public and private immoralities of Evans, his indecorous and haughty demeanour to the assembly,

justified remonstrance and complaint. Had less personal invective, and more dignity, entered into the debates and proceedings of the house, they would have from posterity the approbation bestowed by their contemporaries. But their confidence in popular support deprived them of discretion, induced pretensions flagrantly unjust, and led them to resistance and crimination, when active and efficient exertion became necessary.

The trade of the province was at this time almost wholly interrupted by the privateers of the enemy, which, cruizing off the capes of the Delaware, captured all vessels entering or departing. Evans would have attempted to drive them away; but, having neither money nor munitions of war, he was unable to act without the aid of the assembly. He convened them on the second of August, and calmly and respectfully representing the hostilities committed at their very thresholds, entreated them to grant him the means of performing his duty. He endeavoured to combat their aversion to warlike measures. "The design of government," he said, "was to preserve the rights of individuals against all invaders. Against thieves and robbers within the state, force was admitted to be necessary; and, if it were justifiable to protect society against partial injuries, it was an absolute duty to suppress efforts for its total destruction: nor was it necessary that they should violate their principles: all that was now required from them, was an appropriation, in the common form, for the support of government."

To this temperate and rational message, the house replied with the fulness of their former asperity. They charged him with having neglected to make timely application to lord Cornbury, who, as vice-admiral, was bound to protect the Delaware bay, and had, on a former occasion, (the affair of the fort) promptly done his duty. They declared, that, according to their ability, they had furnished means for the support of government: that they had granted to the proprietary eight hundred pounds, and half the proceeds of the excise, amounting to five hundred and fifty pounds more, which, with the fines, forfeitures, and other profits, taken for his use, should have been appropriated to the public service; as

he had, by the sale of lands, and reservation of quit-rents provided amply for the maintainance of himself or deputy, and had proved the disposition of the assembly on former occasions to relieve his necessities. And, though they had no pretension to direct the manner in which their grants should be expended, it was their right to inquire into their disbursement; and, when satisfied on this head, and informed of the amount appropriated to Indian treaties, they would, in return for the protection of the queen, contribute further to the public service.

This reply was disingenuous, in regard to the governor, unjust to the proprietary, and idle as to the public defence. Had the assembly met the requisition boldly, their plea of conscience would have claimed respect. But they dreaded the impression this course would have made on the ministry. For, though their religious opinions had frequently prevented them from granting money for military purposes, they had publicly assigned their poverty as a reason for their refusal. Their reference to Cornbury was unwarrantable. He had no right to act, save as governor of New Jersey, and as a subject, with themselves, of the English crown. Nor will this reference be deemed less preposterous when it is considered, that the governor of Pennsylvania was, by the royal charter, empowered to exercise the rights of war upon the king's enemies, by sea and land, even beyond the limits of the province. But this power, the assembly chose to think, did not justify the fitting out ships of war. The monies they now reclaimed for the public service, had been granted for the support of the governor. The attempt to subject the private estate of the proprietary to the whole charge of his deputy's maintainance, whilst no revenue was appropriated to the governor-in-chief, was flagrantly unjust; and the demand for an account of monies, of the disposition of which they were already well informed, was a trick to avoid a direct answer to the governor's demand. These things he pressed upon them in vain. Deaf to his arguments, inflexible by his entreaties, they adjourned, without taking any

measures to protect their trade, or the property of their constituents.

The remonstrance of the assembly against Evans was, at length, effectual; he was superseded in September, by the appointment of col. Charles Gookin. The proprietary was moved to this step, more by the disaffection of his people, and the representation of his friends, than his own convictions of its propriety. Evans had been a faithful and devoted servant, though his temper and his morals rendered him an inefficient one. His administration, which, for several years, was directed by Logan, had, in its principles, received the approbation of Penn. By instructions from the latter, given in 1705, he was directed to pass no law, nor grant any privilege, until the assembly should settle a permanent revenue, of one thousand pounds at least, upon the government; the proprietary declared at the same time, that "he too mournfully remembered how noble a law he had of exports and imports, when he was first in America, which would now be worth some thousands a year, which he had suspended for a season only, upon an agreement with the merchants, and which had been repealed by Thomas Lloyd, without his consent."*

Evans was young, volatile, and impetuous; fond of pleasure, which he pursued with eagerness and without restraint. Confident in his own judgment, haughty in his manners, and careless in his temper, he contemned the understanding of the people he was called to govern, exacted a slavish respect for his station, and outraged the religious feelings of the most eminent citizens; and, at length, forfeited the esteem of his own and the proprietary's best friends, the secretary, Logan, included, who solicited his removal. His long continuance in the government, produced a disposition unfriendly to the proprietary interests, which embarrassed his successor, and marred the peace of the colony.(1) The assembly of the lower counties, irritated by his conduct, questioned his authority, denying the right of the proprietary to appoint a governor for them. We may mention here an instance of Evans' op-

* Penn's letter to Logan, 14th 7mo. 1705. (1) See Note C 2, Appendix.

pression. He granted a license for the marriage of Thomas French, taking bond with surety that he should marry, pursuant to the license, according to the mode of the church of England. But French, some time after, was married according to the manner of the presbyterians, and by a presbyterian clergyman. Evans put the bond in suit against the surety, obtained judgment, and imprisoned him for the non-payment of the penalty (two hundred pounds). The brother of the surety petitioned Penn, who, highly disapproving the conduct of Evans, commanded governor Gookin to discharge the prisoner, and release the debt. He also required, that all bonds of a public nature should, in future, be made payable to himself, unless otherwise directed by law.*

His great expenditure on the province, devotion to public affairs, civil and religious, neglect of his private concerns, and the fraud of his steward, had reduced the proprietary to great pecuniary distress; and, at the suit of the representatives of his steward, he was confined within the rules of the Fleet prison. He was relieved from this humiliating state, by mortgaging the province, and his political rights therein, to Henry Gouldey, Joshua Gee, Silvanus Grove, John Woods, and John Field, of London, Thomas Callowhill, Thomas Oade, and Jeffrey Pennell of Bristol, and Thomas Cuppage of Ireland. The mortgagees did not assume the government, but appointed Edward Shippen, Samuel Carpenter, Richard Hill, and James Logan, commissioners to superintend their interest in the province, who repaid the loan with funds obtained from the sale of lands, and from his quit-rents.†

* Minutes of council. † Proud. Logan MSS.

## CHAPTER IX.

Arrival of governor Gookin····Complaints of the assembly ····Call upon the house for military supplies····Penn's instructions to the governor····Logan attacks Lloyd····Proceedings of the assembly·····Logan arrested·····Governor dissolves the assembly····Produces a change of counsels···· Attack and capture of Fort Royal···Enterprise upon Canada ···Assembly grant two thousand pounds···Acts for securing the government, and prohibiting the importation of slaves ····Proprietary sells his government to the crown···Address of the governor to the assembly····First edition of the laws ····Laws repealed by the privy council···Governor publishes an ordinance re-establishing the courts····Death of Queen Anne····Accession of George I····Address of the Assembly ···Conduct of governor Gookin···Stat. 1. Geo. I. relative to oaths····Governor quarrels with Logan and Norris····His recall····Death and character of William Penn····His will.

The removal of governor Evans had been procrastinated, from the difficulty of procuring a fit successor. At one time the proprietary had resolved to appoint his eldest son his deputy, but abandoned his design on the remonstrance of his friends in the province, who knew and dreaded his levity and dissipation. At length, colonel Gookin was selected, and the proprietary anticipated, that his mildness of manners, steadiness of conduct, and economical habits, would recommend him to the people.

Governor Gookin arrived in the province in the month of March. The assembly then in session immediately petitioned him for redress of their grievances. The memory of Evans' offences did not die with his authority; nor was Lloyd and his party disposed to suffer him to depart without further marks of their displeasure. They charged him with high

crimes and misdemeanors before Gookin, and required, that a criminal prosecution should be instituted against him. But the governor prudently endeavoured to allay their animosity, and to satisfy them that he could not, constitutionally, accede to their request. But, whilst extinguishing a flame with one hand, he lighted a new one with the other. By communicating to the assembly an address of his council, vindicating themselves from a charge of having influenced the conduct of Evans, he involved the two bodies in a violent altercation. Astute in discovering grievances, the house soon found ample matter to occupy the attention of the executive. They complained of his disrespect, in visiting Newcastle whilst they were in session; of the insecurity of the freeholders in the payment of their quit-rents, whilst uncertain of the payment of a mortgage of the province, by the proprietary, to Philip Ford,(1) in the year one thousand six hundred and ninety; of the assumption by the governor to grant marriage licenses; of the grants of pardon, and discontinuance of prosecutions, without the knowledge of the magistrates before whom criminals were charged, or to be tried; of the appointment of one person to the offices of town clerk, clerk of the peace, prothonotary of the common pleas, and of the supreme court; of the illegal assessment of certain poor-taxes, and of several petty misdemeanors of justices of the counties of Bucks and Philadelphia.

But from these petty grievances, the attention of the house was soon called to subjects of greater importance, in which their duty to the crown, and their religious principles, were again to be weighed against each other. In demands heretofore made for military contributions, circumstances had favoured the province, and she had escaped with ease, under the forbearance of Fletcher, the scruples of Penn, and the inefficiency of Evans. A severe trial now awaited her. The French had actively prosecuted the war on the continent of America, and the northern colonies suffered greatly from their incursions. In the preceding year, they had penetrated to

(1) See Note D 2, Appendix.

Haverhill, on the Merrimack river, and reduced the town to ashes. Upon the entreaties of the inhabitants of New England, the ministry in England formed an extensive plan for the conquest of Canada, Arcadia, and Newfoundland. An attack upon Quebec was to be made by a squadron of ships, carrying five regiments of regulars from England, and twelve hundred provincials, furnished by the zeal of Massachusetts and Rhode Island; whilst an army of fifteen hundred men from the colonies, conducted by colonel Francis Nicholson, should attempt Montreal, by way of the lakes. But this enterprise was altogether abandoned; the exigencies of the war in Europe requiring all the forces of the allies.

The portion of troops required from Pennsylvania was one hundred and fifty privates, with their officers. The governor, conscious of the obstacles to the raising of troops, interposed by the religious sentiments of the assembly, proposed that instead of soldiers, they should furnish four thousand pounds, to be expended under the direction of a committee of their own appointment. But the house having taken time to consult their constituents, with great humility, and with their usual professions of duty, declared, "they could not in conscience provide money to hire men to kill each other;" but offered, as part of the revenue of the queen, the sum of five hundred pounds. This was refused by the governor, who insisted on a larger sum, more proportionate to their ability, and warned them, that their coldness to the public service would injure their cause with the queen; and he finally declined to consider any bill offered by the house until they should vote a proper supply. At a subsequent session they again offered five hundred pounds, but they made a special appropriation of this sum; three hundred pounds for Indian expenses, and two hundred for the governor's own use, with a condition, however, that he should concur in the bills then before him. Offended by their want of confidence, and this attempt at coercion, he spiritedly refused to take further part in legislation, until ample provision had been made for his support.

In his message to the legislature on this occasion, he inad-

vertently disclosed, that his instructions forbade him to pass any law without the consent of his council. This interdiction giving birth to a power foreign to the constitution, was highly offensive to the assembly. The office of the council was to aid, not to rule, to serve, not to command, the governor. He was the representative of the proprietary, vested with all his political power, and constitutionally subject to no other control, than that his principal had submitted to, by his compact with the people. In this character they knew how to approach him: but, if he were subject to the will of a secret and irresponsible cabal, they were uncertain to whom their grievances might be effectually addressed, or what interests they were to propitiate. Deprived of his freedom of will, he was no longer answerable for his actions; his dignity must vanish, and himself sink into pity or contempt. Beside these constitutional objections, the assembly felt there were others of a personal nature. Logan, devoted to the proprietary, to whose interests he was at all times ready to postpone those of the province, was predominant in the council; and in terms as plain as their indignation was strong, the house ascribed to him all the past dissentions of the government.

The secretary, who had hitherto stood on the defensive, receiving or parrying the blows of his adversaries, now resolved to retaliate. He preferred, through the governor, to the house, a charge of high misdemeanor against Lloyd, then speaker; the nature of which does not clearly appear, but was probably founded on the correspondence of the latter with William Mead and others, relative to the remonstrance to Penn in 1704. Lloyd, without any affectation of delay, entered upon his defence, and required his accuser to substantiate his accusation. This Logan declined, under various pretences, chiefly on the ground of his immediate departure for Europe, pledging himself to return, if for no other purpose, to prove his allegations. The house, however, would not brook delay. After an examination before a committee of the whole, they declared the charge false, scandalous, and libellous.

Preparatory to his departure, the secretary expressed his

desire of being tried on the articles of impeachment, formerly preferred against him. In a petition to the assembly on this subject, he charged them with unfairness and injustice, and dared the vengeance of the members, who were his implacable enemies. Irritated by this language, they directed him to be committed to prison, and disqualified him from exercising any office until he should make them satisfaction. He was arrested on the warrant of the speaker, but released by the sheriff, on a supersedeas from the governor, who denied the right of the assembly to arrest any other than its own members, and particularly one who was a member of council; and declared, that if such right existed, it did not appertain to the present house, which was illegally constituted. But, if the assembly possessed the power to protect itself against libellers, that power could not be suspended, because the offender was a member of the governor's council. Nor was the governor's objection to the legality of the assembly entitled to consideration. He contended that the house having failed to form a quorum at a former session, was *ipso facto* dissolved, and had not the power to adjourn to a future day. But the dissolution of the assembly from such a cause is inconsistent with the existence of a representative government, and would subject it to all the evils of intrigue and corruption. The governor, however, persisting in his opinions, and refusing to try the impeachment, the house was compelled to separate; nor did they again reassemble. Their conduct was approved by a great majority of the inhabitants, for whose information they published their late proceedings, and they had just reason to confide in the public favour; but by Logan's activity their hopes were speedily crushed.

The confidence of the proprietary in his secretary had never wavered, and the influence of the latter, now in London, was visible, in a letter of the fourth of June, addressed by the former to the assembly. This letter, after a rapid and accurate sketch of the history of the province, puts in full relief all that the proprietary had done for its benefit. His liberal political principles, his personal labours, and pecuniary

losses are contrasted with the turbulence, avarice, and ingratitude of the people. Their complaints of oppression and other grievances he treats as the mere wantonness of liberty. On all the prominent subjects of dispute he sanctions the views of his deputies. The alleged right of the house to adjourn at their pleasure for any length of time, the proposition to make the judges removable on the address of the assembly, their former remonstrance to him, their remarks on his quit-rents, the encroachments on his manors, their claims for allowance in the surveys of land, their violent measures against his secretary, and their resistance to the establishment of courts by his authority, under the royal charter, are all unequivocally condemned. After a warm but friendly expostulation, he assures them that his future conduct must take its colour from that of the next assembly; that if it, after a fair election, should not be more favourably disposed towards him, he would, without suspense, resolve on his course. This was understood as a threat to surrender the government of the province to the crown. An instantaneous and general change in the minds of the people was effected by this letter. The unanimity of the assembly made every member obnoxious to the complaints of the proprietary, and the exclusion of all was deemed the only proper sacrifice to his violated feelings. Lloyd thus beheld the fragile staff on which he leaned break under him, and his violence against the secretary recoil upon himself.

By the election of the new assembly harmony was restored to the government, and all its branches were distinguished by sedulous and successful application to business. The right to adjourn at pleasure was yielded: the expenses of the state were cheerfully supplied, and the judiciary was established by law. The voice of complaint was hushed, whilst the manifold blessings they enjoyed were frankly acknowledged.*

After the failure of the late enterprise against the French possessions, colonel Nicholson proceeded to England to stimulate the ministry to further exertions on the American

* Votes.

continent. Great promises were made him, but their fulfilment was so long delayed, that he resolved to attack Port Royal with the means at his disposal in the colonies; with twelve ships of war, and twenty-four transports, having on board one regiment of marines, and four of infantry, raised in New England, he attacked and captured the place, and obtained possession of Nova Scotia.* This success, and the personal solicitation of Nicholson, supported by colonel Schuyler, of New York, who had visited London with a deputation from the Five nation Indians, determined the ministry to make another attempt on Canada. In pursuance of this resolution, circulars were addressed to the governors of the northern and middle colonies, requiring them to meet and confer with Nicholson at New London, and to prepare their respective quotas of men and provisions. Governor Gookin did not arrive at the place of rendezvous in time to assist at the conference, and his absence was regretted by the assembly of Pennsylvania, under the belief that his representations would have procured them a more favourable requisition. They gave him no cause, however, to complain of their conduct. Their regard for the religious principles of their constituents caused them to decline taking an active part in the war, but recognising their duty in the payment of tribute and obedience to the powers which God had set over them, so far as their religious persuasions would permit, they availed themselves of this opportunity to express their loyalty to the queen, by raising for her use the sum of two thousand pounds, which they tendered as a token of their duty, and as *the equivalent for their quota of men.*† This sum was raised by an impost of five pence half penny in the pound on the value of real and personal estate, and a poll tax of twenty shillings on unmarried freemen; and being immediately required, was, because of the scarcity of money, paid principally in provisions. The grant, however, was subjected to the charge of compensating the masters of such servants in

* Holmes' Annals. † Votes.

Pennsylvania as had enlisted in the New Jersey forces, not returned before the ensuing September.(1)

The expedition to Canada proved most disastrous. Colonel Nicholson, under whom served colonels Schuyler, Whiting, and Ingoldsby, mustered at Albany two thousand colonists, one thousand Germans, from the palatinate, and one thousand of the Five nation Indians, who commenced their march towards Canada on the twenty-eighth of August. The troops from Boston, composed of seven veteran regiments, of the duke of Marlborough's army, one battalion of marines, and two provincial regiments, amounting to six thousand four hundred men, sailed on board of sixty-eight vessels, the thirtieth of July, and arrived off the St. Lawrence on the fourteenth of August. In ascending the river, the fleet, by the unskilfulness of the pilots, or the obstinacy and distrust of the admiral, was entangled amid rocks and islands on the northern shore, and ran imminent hazard of total destruction.* Several transports, and near a thousand men, perished. Upon this disaster the remainder bore away for Cape Breton, and the expedition, by the advice of a council of naval and military officers, was abandoned on the ground of the want of provisions, and the impossibility of procuring a seasonable supply. The admiral sailed directly for England, and the colonists returned to Boston, whilst colonel Nicholson, thus deserted, was compelled to retreat from Fort George. The want of skill, fortitude, and perseverance, are eminently conspicuous in the British commanders of this enterprise.

During the years 1711 and 1712, cordiality continued to prevail between the governor and assembly. A regular and competent revenue was established; the arrears of taxes were put in train for collection, and the public debts liquidated and paid; courts were erected in a manner satisfactory to the people, and the fees of the several officers established by law. Even the animosities of the leaders of the rival parties were charmed to rest, and Lloyd, a member of assembly in the latter year, appears to have bent his talents and industry with

(1) See note E 2, Appendix. * Charlevoix.

sincerity and earnestness to the public labours. His querulous spirit was restrained by the majority of the house, which was of the proprietary party.

Two acts of the legislature distinguish this period; one securing the administration of the government, and another preventing the importation of negroes and Indians. By the first it was provided, upon the absence or death of the lieutenant governor, in absence of the governor-in-chief, that the eldest counsellor, or in case of his absence or refusal, a member chosen by a majority of the council, should exercise the functions of the governor, the powers of legislation only excepted, until the return of the lieutenant-governor, or until another should be commissioned by the proprietary: and in the event of the death of the governor-in-chief, the powers of his deputy were continued, until revoked by the crown or proprietary. By the second, a further step was taken, to resist the increase of domestic slavery. Their efforts on this subject are not more honourable to the humanity than to the wisdom of the province. They have secured to it the noble distinction, of having led the way to the abolition of this nefarious traffic, and of having preserved its inhabitants from the ceaseless watchings, and anxious cares, resulting from internal enemies, who wait only a favourable moment to return the embittered chalice to the lips of their oppressors. Unfortunately for the interests of humanity, and the happiness of the North American states, this wise and virtuous measure was inconsistent with the policy of the mother country, and was annulled by the crown. The slave trade had been cherished by England since the year 1562; several companies were incorporated for conducting it, and Charles II. had publicly invited his subjects to engage in it, with the special view of supplying the plantations with negroes; and whilst the philanthropic sages of Pennsylvania were contemplating the cheering picture of emancipation, the British ministry was plotting the widest extension of human misery, in forming the Assiento convention, the most accursed of contracts, by which their merchants obtained the exclusive privilege for thirty years, of supplying Spanish America with

four thousand eight hundred negro slaves annually. The act of Pennsylvania, had its principles been felt by the English government, must have been considered as a severe reflection on their conduct; but it is probable that it was regarded in no other light than an interference with the commercial interest of the nation.*

With increasing years and declining faculties, the love of repose came upon the proprietary. From the government of Pennsylvania he had derived little pecuniary advantage. Time and absence had loosened the bonds of affection which connected him with the early settlers. Thousands were now in the province who knew him not, and were indisposed to yield their own interests to their affection or respect for him. His rights were critically examined, and the distinction now established between his characters of governor-in-chief and proprietary, deprived him of many sources of revenue, which, as feudal lord, he held to be personal rights. The prices of tavern licenses, and the fines and forfeitures estreated, were now claimed for the public service. His deputy was considered by the people as representing fully his political power, and rendering official intercourse with him unnecessary; and the veto he claimed in legislation was denied by the assembly. His expostulatory epistle of 1710, it was true, had awakened the slumbering gratitude of the colonists, but this sentiment was evanescent, and faded before the increasing subjects of contention; it had not been sufficiently lasting to exclude from the public councils, for more than a single year, his most active opponents. In Europe he was harassed by pecuniary embarrassment, and his love of action had sunk with his political importance, which did not survive his successful efforts to protect his religious friends, in the undisturbed exercise of their faith. Under these circumstances his resolution to cede his government to the crown was not extraordinary. He entered into an agreement for this purpose, the consideration of which was twelve thousand pounds, payable in four years, and received one thousand on account.

* Walsh's Appeal, and the authorities there cited. Smollet.

But before the legal forms were completed, an apoplectic stroke prostrated his vigorous mind, and reduced him to the feebleness of infancy.

The intention of the proprietary to transfer the government, appears to have been deeply regretted by governor Gookin, who, anticipating to be removed, endeavoured to interest the assembly in his misfortune, and to obtain from them prompt payment of his salary, and the means of transporting himself to Europe, where he considered his presence necessary to refute certain calumnies, which he attributed to his indulgence of the wishes of the people. The house presented him with one hundred and fifty pounds, in grateful acknowledgment of his services.

The laws having become voluminous and complex, required some other mode of publication than a placard at the coffee house. A committee composed of Richard Hill, Samuel Preston, Caleb Pusey, and John Swift, were appointed to collate and digest them, and to publish five hundred copies.

Of the laws enacted in the years 1709, 10 and 12, twenty-eight were repealed by the queen, embracing almost all in which the people had taken a lively interest; such were the acts fixing the value of coins, establishing the judiciary, regulating fees, imposing duties on wine and spirits, prohibiting the importation of negro and Indian slaves. The reasons for abrogating these laws were not transmitted, but we conjecture the nature of some of the objections. Those relating to the act prohibiting the importation of slaves we have already noticed. To the same jealous spirit of commerce we must ascribe the repeal of all acts, which, in the language of the governor, laid "a burden on trade," whilst the land and poll tax received the ready assent of the queen. The judiciary bill was a compromise between the proprietary and popular interests, and most probably was opposed by the former before the throne. Upon notification of the repeal, the governor published an ordinance for the administration of justice, embracing most of the provisions of the repealed act. Although the assembly did not oppose this measure with their former warmth, they endeavoured to persuade him to recall

it, as the powers given to the judges by their commissions, and the royal charter, rendered it unnecessary, and it might offend the queen, being in effect the re-enactment of a system which she disapproved. In its place, they recommended a proclamation to the judges to convene the courts at the usual time and places, and to continue the pleas over; and the succeeding assembly applied themselves diligently to establish, by a new act, the several courts of the province.

Queen Anne died on the first of August, 1714, and was succeeded by George the first. Official notice of her decease was not received in the colony at the meeting of the legislature in October, and the house deemed it proper to adjourn, that their declaration of allegiance might be made to the reigning sovereign.

Governor Gookin had for several years preserved uninterrupted harmony between himself and the assembly. In matters of legislation he was content to follow their wishes, occasionally calling their attention to public bills, which were delayed from the pressure of private business. Poor, penurious, and dependent upon the province, his own wants were ever present, and have a conspicuous place in most of his addresses to the house. Sometimes these were humbly urged, and their relief thankfully acknowledged; at others, his claims are more strongly pressed, and their procrastination sharply reproved. His annual allowance may be averaged at five hundred pounds, payable out of the funds produced from the direct-tax and the customs.* But taxes of every description were slowly and irregularly collected. Appropriations made in one year, on which he relied for immediate support, were frequently not half paid at the close of the next. For several years he submitted patiently to disappointment and deprivation, but at length he became peevish and capricious. On the fifteenth of February, 1714, by reason of bad weather, and the illness of several members, the house failed to make

* The proprietary had engaged to pay him two hundred pounds per annum, without any fines, forfeitures, or other perquisites, in full, for his services. Gookin was a bachelor, and chosen because he was a *cheap governor*. Logan MSS.

a quorum; but being full on the next day, they appointed a committee to inform him of the occurrence of the preceding day, and to declare their readiness now to proceed with business. But he sullenly and repeatedly refused to recognise them. This treatment was the more offensive, as such accidental breaches, in the order of their sessions, had frequently happened since 1709, and were instantly repaired, either by a summons from the governor, or his formal approbation of their subsequent meeting. The house, therefore, in a remonstrance prepared by Lloyd, strenuously maintained their right to proceed with the public business. But their committee, charged with this address, were driven from the governor's door, with threats and reproaches. The house, compelled to separate, vindicated their conduct in their usual manner, by publishing their proceedings at the exchange. They were convened by the governor on the third of August, but they passed no bill during their year of service.

In the succeeding year, Lloyd was again elected speaker; and, though the intercourse between the house and the governor was marked by many petty quarrels, the business of the province was not impeded. One of the causes of complaint, on the part of the assembly, was the governor's negligence in punishing some rioters, who endeavoured to protect a certain clergyman, indicted for fornication, from legal prosecution, on the ground that this offence was of ecclesiastical cognizance only. And the house deemed it necessary to remind him, that such offences in Pennsylvania "were triable in the quarter sessions;" and they resolved, that whoever endeavoured to persuade the governor, or any other, that the court of quarter sessions, as by law established, had not cognizance of such offences, should be deemed enemies to the governor and government.

Whatever regard the province may have entertained for the governor, in consequence of his occasional favourable disposition towards the popular party, was destroyed by a measure, which momentarily unhinged all the subordinate authorities. An act, which had passed in 1710, directing affirmations to be administered to persons conscientiously scrupulous

of taking an oath, had been repealed by the queen, but was supplied by another, passed on the twenty-eighth of May, 1715, to which the governor gave his sanction in the usual form. By an act of parliament of 1 Geo. I. the stat. of 7 and 8 Wil. III. was made perpetual in Great Britain, and was extended to the colonies for five years. By a provision of the latter act, no Quaker, *by virtue thereof*, could be qualified, or permitted to give evidence in any criminal case, or serve on juries, or hold any place or office of profit in the government. The extension of this act to the provinces, in the opinion of the governor, repealed the provincial law, and disqualified the Quakers from giving testimony in criminal cases, from sitting on juries, and from holding any office. If this were true, the consequences were perplexing and disastrous. Almost all the offices in the province were filled by Quakers; and the judges of the supreme court, who were not lawyers, staggered by the opinions of the governor, hesitated to proceed in their official duties, in which it was necessary to receive affirmations, or to stop the current of justice. The governor tenaciously adhered to his construction of the statute, notwithstanding the desertion of his council, and the remonstrances of the assembly; who directed copies of their memorial to be forwarded to England. Lloyd, on the part of the house, contended, that the object of the first settlers and other Quakers, in emigrating to America, was to enjoy the privileges of English subjects, without violence to their religious principles, and that this was utterly destroyed by the governor's construction of the statute: that the act of William III. was affirmative, granting privileges to the Quakers in Great Britain, which they had not before possessed; and that its extension to the plantations did not deprive their inhabitants of the rights they enjoyed before its enactment, but confirmed such as were acknowledged; the prohibitory clause, in its utmost extent, only preventing the Quakers from claiming, by virtue of the act, the powers and benefits it prohibited: that to these the Quakers had a natural right, confirmed by the provincial laws warranted by their charter, which were efficient for five years, unless repealed by the

king in council, or repugnant to the laws of England: that the provincial act, authorizing affirmations, like the laws punishing crimes, and regulating the descent of real estates, differed from, but was not repugnant to, the English law: that this construction was corroborated, by the proclamation of queen Anne, extending to the province the affirmation allowed to Quakers, by the statute of William, not only for the purposes embraced by that act, but also for the qualification of magistrates and other officers; by the opinions of general Hunter, governor of New York and New Jersey, and of the chief justice of the latter colony, in a direct parallel case; and by the instructions of the king to general Hunter, following, in all points, those established in the proclamation of the late queen. These views he further supported by cases industriously collected from the law reporters. This vexatious subject was finally put to rest in the year 1725, when an act, prescribing the form of declaration of fidelity, abjuration, and affirmation, having passed in the province, was ratified by the king in council.

The governor's good genius had now entirely abandoned him. Not content with arraying against himself all the Quaker interest in the province, he contrived to give it special activity, by assailing the political character of Isaac Norris and James Logan, the most distinguished men of that society, and of the colony; the former now mayor of Philadelphia, and speaker of the assembly. He charged them with disaffection to his majesty's government, and devotion to the pretender; and declared that the breach between Norris and himself was in consequence of his refusal to proclaim that prince. These allegations were without a shadow of proof or probability. Nor did the governor's infatuation stop here. He dared to protect, by a *nolle prosequi*, a wretch, by the name of Lowden, who attempted to assassinate Logan and Norris, for having, as judges of the common pleas, rendered judgment against him.*

Offences like these, against the dearest interests, and the

* Votes. Proud.

most distinguished citizens, of the province, called loudly for the removal of Gookin, from a station he had become unworthy to fill. Isaac Norris, with some other friends of the proprietary, waited on the deputy-governor, and mildly expostulated with him on the inconsistency and ill consequences of his conduct. Affected by their representations, he gave them assurances of amendment, but his weakness and fickleness rendered his resolution vain. Much of his folly was ascribed to the influence of his relation, one Birmingham, after whom a township in Bucks county was named, who, though himself a vain and shallow man, had much alacrity of spirit, and obtained entire mastery over the sluggish temper of Gookin. Expostulation having proven vain, in restoring the governor to a sense of propriety, his council unanimously joined in an address to William Penn, praying his recall.* He met the assembly, for the last time, in March, 1717, and extorted from their compassion the sum of two hundred pounds, a valedictory donation. On the arrival of Keith, Gookin's successor, he was called to substantiate his charges against Logan and Norris before the council. But he openly retracted them, and ascribed his conduct to mental derangement. It is probable, that his understanding had been impaired for several years before his dismissal.†

The imputation on the loyalty of Norris and Logan, induced the assembly to address the king, and the preparation of the address was confided to the former. This paper shows that the language of courts was neither unknown nor contemned by the primitive settlers of Pennsylvania. Ascribing the tardiness of their congratulation, on his accession to the throne, to the illness of the proprietary, they declared, that none could be more sensible of the blessings it conferred, nor express a warmer zeal for his service, than had filled their thankful breasts; and that they consoled themselves, for not having sooner approached him, by the reflection, that their sentiments were expressed by the society in London, whose address was in behalf of the whole community of Friends:

* Logan MSS. † Minutes of council.

that such had been his goodness, exerted by a wise and steady administration, in making the laws his rule of government, in restoring the honour of the nation abroad, and extending its commerce, that the remotest parts of his dominions felt the benign influence of his paternal affection, and were bound to make the utmost returns of gratitude and obedience; and that, therefore, they were surprised that a portion of the British race were so lost to a sense of its own interest, and its duty to a prince of the most conspicuous and consummate virtues, as to murmur, much more, to rise in open and unnatural rebellion, for the suppression of which, they, with hearts of sincere gratitude and joy, returned their humble acknowledgments to the Fountain of infinite goodness and mercy: that their principles were so essentially interwoven with the protestant interests of Great Britain, and their greatest concerns so entirely dependent upon the preservation of his majesty's person and royal issue, long to reign over them, that their own welfare could not possibly be separated from the indispensable duty of showing themselves his loyal and most obedient subjects: and they prayed, that confusion and disappointment might attend all the devices of his enemies, and that the minds of his people might be composed, and universally inspired with the same spirit of love and obedience, with which they approached the throne.

Sir William Keith succeeded governor Gookin in May, 1717. But, in order that we may not break in upon the narrative of his administration, we will anticipate our chronological order, and notice here an afflicting dispensation of Providence, in the death of William Penn.

That great and good man died at Rushcomb, near Twyford, Buckinghamshire, England, on the thirtieth of July, 1718. As a leader of a Christian sect, he has left no mean reputation. His ability, courage, zeal, and perseverance, have made him conspicuous among religious reformers; but, as an apostle of civil liberty, the world has an interest in him which can never fade, whilst order and freedom are dear to the human race.

From his father, he inherited a disposition ardent and enthusiastic, enterprising and courageous, reflecting and persevering. The energy of mind which advanced the one to the rank of rear-admiral at twenty-three years of age, rendered the other conspicuous amid the founders of a new religion, soon after he attained his majority. The father was distinguished by the love of glory and of arms; the son was not insensible to the value of fame, but sought it by diffusing the blessings of peace, and of religious and civil liberty. In this work, he laboured with the firmness and devotion of heroism, struggling to attain its object, utterly regardless of himself. His voluntary abandonment of rank and fortune, his spirited and manly opposition to the abuses of the law, his patience under its inflictions, his learning, industry, and perseverance, in the maintainance of his principles, acquired for him in early life the respect of the public, and the friendship of men of eminence and worth who did not approve his religious peculiarities. His religion made him obnoxious to the laws, and induced him to examine the principles on which, not only the laws, but the government that enacted them, were founded: and he discovered and adored the great truths, that the happiness of society is the true object of civil power, and that freedom exists only "*where the laws rule, and the people are parties to the laws.*"

On these foundations was his colony erected. His merit will be the more justly appreciated by adverting to the state of the American colonies planted antecedently to the year 1780. These were Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, and South Carolina. The New England provinces sprang from the natural and selfish desires of their founders to withdraw themselves from power and oppression. Religious toleration, and civil liberty, were not appreciated by them as rights essential to the happiness of the human race. The rights of conscience the puritans of these provinces demanded were such as protected themselves from the gibbet and lash, which they applied to force the consciences of others. Their civil

rights they regarded as exclusive property, acquired by purchase, the evidence of which was in their charter. Whilst Penn was offering to the world a communion of religious and civil freedom, the saints of Massachusetts excluded from the benefits of their government all who were not members of their church, and piously flagellated or hanged those who were not convinced of its infallibility. Roger Williams, proscribed and expelled for his own opinions, was the first to teach that the civil magistrate might not interfere in religious matters, and that to punish men for opinion was persecution. New York, without a charter or an assembly, was subject to the caprice of its governors, in civil as in ecclesiastical matters. New Jersey had a free, a liberal, but an impracticable constitution. The attempt to establish in that province the basis of a free government, though unsuccessful, and throwing the administration into the hands of the crown, was not useless. The people were introduced to the knowledge of sound political principles, which were never altogether abandoned. Maryland, possessing the most liberal, and the best digested, constitution that has emanated from a British monarch, and the most independent of the royal power, had been involved in civil war and religious persecutions during the revolution, and was now reduced to order and good government, by the resumption of executive power by the Calverts. But the Catholic faith of its governors and principal inhabitants, rendered its policy suspected by Protestants. Carolina was the subject of a most fanciful experiment of the renowned Locke, who framed for it an aristocratical constitution, totally inconsistent with the light of the age in which he lived; establishing an hereditary nobility, with large and unalienable landed estates, and the church of England as the religion of the state. Penn wisely modelled the royal charter for his province, as closely as possible upon the Maryland grant; and, though at the first institution of the government, he was doubtful of the propriety of giving the assembly the power to originate laws, experience soon taught him the wisdom of this measure. His government secured the blessings of property and personal freedom alike

to Christian and to infidel; placed all persons on an equality before the laws, and admitted Christians of every denomination to a full participation of political rights. The experience of a hundred and forty-seven years, during which political science has been widely extended, has added nothing essential to human happiness which his system had not provided; unless it be found in those constitutions which make no discrimination in the religious faith of the citizens.

But the excellence of Penn's system is not confined to the provisions of his charters. His laws were dictated by wisdom and humanity. The unequal and dangerous disposition of wealth, arising from the feudal principles of primogeniture, was abolished; the equal claims of children to the property of their common parent were acknowledged, and by this return to common sense and natural right, the dangers of accumulated wealth were avoided. But the philosophical mind of the Pennsylvania lawgiver is, perhaps, most discernible in his criminal code. A scale, graduating the punishment to the offence, seemed in Europe to be undesired by the legislator. Death impended alike over the purloiner of a few grains of metal, and the murderer, who robbed a family of its support, and the country of a citizen; over the infraction of a revenue law, and the attempt to subvert the state. Death was ever ready to offer himself to the indolence of the lawgiver, who found it less laborious to hang than to reclaim the criminal; to apply a common punishment, than to investigate its propriety. Reason revolts at this indiscriminate punishment, and the humanity of the marquis Beccaria, Montesquieu, and others, have contributed to convince the world, that its welfare is best promoted by a due apportionment of the punishment to the crime, and its certain application to the offender. Before these benevolent theorists gave their labours to the public—before they were born—Penn had practically exhibited the beneficial results of the principles which they have advocated. He established a new code, in which the punishment of death was affixed to murder only; injuries to individuals were punished by compelling the criminal to make an adequate compensation to the party grieved, or by

imprisonment at hard labour; in all cases varying the punishment with the enormity of the offence. In the classification of crimes, there are, perhaps, some errors, inseparable from enthusiasm; but humanity and wisdom are eminently conspicuous in the legislator. The boldness and originality of his genius will be more thoroughly understood by a glance at the policy of the age and country in which he lived. When he composed his plan of government, the despotic principles of the Stuarts were prevailing over the nation, liberty of conscience was proscribed by the laws, and almost every crime was punishable by death. In opposition to all this, he dared to consult his own reason, and follow the dictates of his own judgment, the soundness of which every revolving year has confirmed.

Penn was ambitious, and animated by the love of fame. He sacrificed his time and his fortune in its pursuit; at least so much of them as was unnecessarily employed at the courts of James and Anne. The obscurity of his province was unattractive; and, in the height of his favour with James, he was for a moment unregardful of the free principles on which it was founded. Had he applied himself, unreservedly and exclusively, to cultivate the scion he had planted, its growth would have been more rapid; and, under its shade, distant from the vexations and vicissitudes of English politics, he would have enjoyed the reward of his labour, competence, and the respect of the world. Pecuniary distress, at times, compelled him to give utterance to undignified and unjust complaints. The political benefits he had conferred upon his province, in his opinion, imposed on its inhabitants an obligation to be requited with money: his proprietary character claimed to be recognised by the establishment of some revenue. His people, on the contrary, felt these pretensions as a double charge, and were unwilling to maintain a resident and non-resident governor, the latter of whom had an estate in the soil of the province, which increased in a great and indefinable ratio.

In his demeanour, William Penn was grave, but not austere; affable, but not familiar; and, whilst his intercourse

with his friends was marked by the formality and peculiar phraseology in use with his sect, his correspondence with men of the world showed him to have been perfectly acquainted with polite manners. As a writer, he was much esteemed by his church; as a minister, he was bold, industrious, and successful; he was beloved by his family and a wide circle of friends. He had been twice married. His first wife was Gulielma Maria Springett, daughter of sir William Springett, of Darling, in Sussex. The fruit of this marriage was two sons and one daughter; Springett, William, and Letitia. Springett died in 1696, aged twenty-one years; William and Letitia, and three grand-children, children of his son William, survived him. His second wife was Hannah, daughter of Thomas Callowhill, of Bristol, by whom he had five children; John, Thomas, Margarette, Richard, and Dennis, who, with their mother, were living at their father's death.

At his decease, his province was encumbered by his mortgage of 1708, and his contract with the crown for the sale of the government. His will, dated 1712, was made antecedently to, but in contemplation of, this contract. He provided for the issue of his first marriage, by the devise of his English and Irish estates; which, producing fifteen hundred pounds sterling per annum, were estimated of greater value than his American possessions. From the latter, he made provision for the payment of his debts, and for his widow and her children. The government of the province and territories he devised to the earls of Oxford, Mortimer, and Pawlet, in trust, to sell to the queen, or any other person. His estate in the soil he devised to other trustees, in trust, to sell so much as should be necessary for the payment of his debts; to assign to his daughter Letitia, and the three children of his son William, ten thousand acres each, and to convey the remainder, at the discretion of his widow, to her children, subject to an annuity to herself of three hundred pounds sterling per annum. He appointed her sole executrix, and legatee of his personal estate.

Three questions arose on his devise of the government: 1, Whether it was valid against the heir-at-law, who claimed by descent? 2, Whether the object of the trust had not been already effected, by the contract of the proprietary with the queen? 3, Whether, by consequence, his interest was not converted into personality? In which case it passed in absolute property to the widow. From their doubts on these points, the trustees refused to act, unless under a decree of the court of chancery, whose interposition was also required by the commissioners of the treasury, before payment of the balance due on the purchase, to the executrix. A suit in this court was accordingly instituted, which kept the family property in a state of great uncertainty for many years; during which Mrs. Penn, as executrix and trustee, assumed the superintendence of provincial affairs. In the year 1727, the family disputes, the proprietary's will having been established in the exchequer, were compromised; and the crown lawyers and ministry concurring in opinion, that the proprietary's agreement was void, from his inability to make a proper surrender of the government, it devolved, on the death of William Penn the younger and his son Springett, to John, Thomas, and Richard Penn.

## CHAPTER X.

Popular principles of Sir William Keith····Favourable disposition of the assembly····Fiscal concerns····Inspection laws ····Court of Equity····Militia····Change in the assembly···· Increase of Foreigners····Indian disputes····An Indian murdered····Servants····Want of a circulating medium····Remedies proposed····Paper currency····Committee of Grievance····Gratitude of the assembly to Keith····Fugitives from justice····Further emission of paper····Counterfeit bills····Impediments by the crown to the passage of private acts of assembly····Indian complaints····Proprietaries disapprove Keith's conduct····Logan divides the council against him····Pretensions of the minority····Logan removed from council····Hannah Penn reprehends Keith····Letters from Gouldney and Gee····Keith's reply····Communicates his instructions and correspondence to the assembly····Is removed····His character.

If governor Gookin were unfortunate in the general disaffection of the people he governed, governor Keith was happy in their esteem and confidence. He was the son of Sir William Keith, of the north of Scotland, and had for some time held the office of his majesty's surveyor of the customs for the southern provinces, yielding a salary of five hundred pounds sterling per annum. He occasionally visited Philadelphia, interested himself in the political discussions of the province, and acquired the good will of Messrs. Logan and Norris, and other respectable inhabitants. In London he had rendered the province and proprietary family considerable services. The illness of William Penn had deprived both of an agent at court; the laws of the province sent for the approbation of the crown, moved languidly through the offices, and the insinuations and scandals of those who desired to strip the

proprietary of his political power, and there were still many of this character in the province and territories, were frequently undetected and unrepelled. Keith aided the passage of the provincial laws, and supported the proprietary interests. He solicited the appointment of lieutenant-governor at some considerable expense; the fees in the offices, on obtaining the king's confirmation of such appointments, being large, and every attempt to reach the throne requiring expenditure of money. He was recommended to the proprietary family (whose interest in the province was managed by Mrs. Hannah Penn and her uncle Clements, assisted by Henry Gouldney, and his fellow trustees, in the mortgage,) by the provincial council and chief inhabitants, by their friends in London, and by the influence, at this time not very serviceable, of William Penn, Jun. who formally addressed letters in his favour to the council, the commissioners of property, and secretary Logan. Mrs. Penn assented to his appointment, cheerfully, she said, from a conviction of his capacity, although she lost thereby the sum of two hundred and fifty pounds, which was offered her to appoint another.*

The deputy governors of the province had heretofore taken little pains to conciliate the people. Dependent upon the proprietary for their office, and on the crown for future employment, they considered themselves as bailiffs for the one, and were place-hunters from the other. Hence, the governors were exacting, and the governed jealous and reluctant to give. The governor had to elaborate his maintainance from a people barely disposed to yield him a frugal support, but without sympathy for wants generated by dignity of place or the pomp of power. Hence the high tone which the instructions of the proprietary occasioned, was frequently followed by ill-timed humility; and the respect of the people was exchanged for pity or contempt. No governor had yet ventured to embrace the popular party, or to support its interest with the proprietary and the crown, on disputed subjects. This was reserved for Sir William Keith, who

* Logan MSS.

thoroughly studied the errors of his predecessors. He arrived at Philadelphia on the thirty-first day of May. In a few days afterwards he met the assembly of the territories at Newcastle, and succeeded in obtaining from them a memorial to the king, in favour of the proprietary's claim to their government, although the conduct of Gookin had induced the inhabitants to solicit the appointment of a royal governor. Their discontents were excited by James Coutts, an ambitious and wealthy inhabitant, who desired that office for himself, and by Kenneth Gordon, a Scotch adventurer, who had the like ambition, and who was attached to the interest of lord Sutherland; that nobleman, availing himself of the doubts which hung over the proprietary's political rights in the territories, and some informality in the grants from the crown to the duke of York, having earnestly solicited the king for a grant of the soil and government of the territories. But he was successfully opposed by the earl of Sunderland, who supported the interests of William Penn.*

Keith displayed the policy he meant to pursue in his first address to the assembly. "His tender regard for their interest," he said, "they being engaged in harvest at his arrival, had induced him to postpone the satisfaction he proposed to himself in meeting the assembly; and he should always endeavour to make the time they must necessarily bestow on the public service as easy and pleasant to them, as he hoped it would be profitable and satisfactory to the country. If an affectionate desire to oblige and serve the people could qualify him for his station, he might expect that his and the country's interest would be effectually united, as those who sincerely desired to serve either, must necessarily serve both. The warmth of his inclination towards them might be inferred from his expensive application during the last year, to introduce to the prince regent the humble address of the assembly to the king, which had been so graciously received by his exertions; by the diligence and expense with which he had

* Logan MSS.

obtained his commission, without other prospect or advantage than that of serving them; and by the fatigue he had already undergone to promote their service. But these things were trifles, compared with their indispensable obligation to support the dignity and authority of the government, by such a reasonable and discreet establishment as the nature of the thing and their own generosity would direct; and whatever they might be disposed to do of that kind, he hoped might no longer bear the undeserved and reproachful name of a burthen on the people; but that they would rather enable him to relieve the country from real burdens, by empowering him to introduce a better economy and more frugal management in the collection of taxes, which were then squandered by the officers appointed to assess and collect them."*

The assembly testified their satisfaction with this speech, and his kind and conciliatory manners, by an immediate grant of five hundred and fifty pounds, payable from the first monies received in the treasury, which they replenished by an additional bill of supply.† In return, Keith framed an address to the throne on the interesting subject of affirmations, which had the good fortune to please the house in all respects, save that the plural number was used instead of the singular.‡

In consequence of the death of the proprietary, governor Keith entertained doubts of the continuance of his powers; but these were speedily dissipated by the opinion of his council and the assembly, that the event of the proprietary's death was fully provided for, by the "act for further securing the administration of the government," passed on the seventh of June, 1711. He also received from William Penn the younger, a renewal of his commission, with a letter of instructions, recommending the continuance of the existing council, the enactment of a militia law, so framed as to avoid the oppression of the Quakers, and a strict observance of the rights and liberties of the people, especially of the law protecting liberty of conscience. Professing himself a member

* Votes. † Votes. Logan MSS. ‡ Votes.

of the Church of England, Mr. Penn directed Keith to encourage and protect the clergy, to employ deserving members of that communion, and to discountenance all anti-trinitarians and libertines. Keith, believing the commission from the son to be illegal, apprized the secretary Craggs of his intention not to act under it, but to rely upon that of the father. This determination was approved by the lords of trade and plantations, and by the then lords regent, and his continuance in office confirmed.* These circumstances proved offensive to the Penn family, and perhaps caused Keith to believe that his office was independent of their powers.† William Penn also addressed himself to Mr. Logan, inclosing him a commission of secretary of the province, soliciting a renewal of their former friendly intercourse, and proffering his services in the agency of the province in London. He died at Calais or Leige, from disease brought on by dissipation and intemperance, in March, 1720. His proprietary rights passed to his son Springett, who did not long survive him.‡

The industry and politic conduct of the governor contributed greatly to the regularity and facility of the public labours. The wants of the government were timely ascertained, and regularly and properly supplied. The public charges may be classed under the following heads: 1. Legislative; consisting of the wages of the members of assembly, their servants and attendants, and the sums paid to counsel for drawing bills. The principle of a per diem compensation had been adopted by the early assemblies, and varied from six to eight shillings; the former sum was paid during the greater part of Keith's administration. 2. The executive; embracing the governor's salary, which, for eight years, averaged nine hundred and fifty pounds per annum;§ the com-

* Penn. Records. Logan MSS. † Hamilton Papers MSS. ‡ Logan MSS. § Keith received in the first year sixteen hundred pounds, and his receipt in the subsequent years of his administration averaged eighteen hundred pounds. The difference between these sums, and the amount received from the assembly, was paid from tavern licenses, fines, and other perquisites. Hamilton MSS.

missions of the collectors of the customs and excise, and of the treasurer; the former at ten, and the latter at five per cent.; and the salary of the attorney-general, fixed at sixty pounds per annum. 3. The judiciary: In this department, for many years, the chief justice only received compensation from the treasury; the other judges, both of the supreme and inferior courts, were remunerated by bench fees. This mode was oppressive to the people, and yielded but a miserable pittance to the officer. In 1725, on the petition of the justices of the supreme court, the puisne judges were also allowed a salary, but the whole sum paid to the court did not exceed one hundred and fifty pounds per annum, of which the chief justice received two-thirds, though before that time he had received the whole for his own use. It was part of the labour of the judges of the supreme court to prepare bills upon resolutions adopted by the house, for which they received a separate remuneration. 4. Incidental; composed chiefly of presents and other charges of Indian treaties, and the maintainance of a provincial agent in London. The mean provincial expenditure for eight years of Keith's administration, was fifteen hundred pounds per annum, defrayed by an impost on the nett value of real and personal estate, a poll tax, duties on the importation of wines, spirits, cider, flax, hops, and negroes, and by the interest on loan office bills.

The agricultural produce becoming superabundant, and the foreign demand insufficient to draw off the excess, the enterprise of the planter was discouraged, and many labourers, whose number was daily increased by the emigration from Europe, were unemployed. The remedy for these evils lay in increased consumption and export; and the exertions of the legislature were directed to both with distinguished success. An act was passed, forbidding, under heavy penalties, the use of molasses, sugar, honey, or other substances, save grain and hops, in the manufacture of beer; and distillers were encouraged to supply the consumption of ardent spirits from domestic materials. But to the improvement of the manufacture of flour, which now claimed great attention, Pennsylvania is mainly indebted for her increase of popula-

tion and wealth. The inspection laws, now adopted, established the character of her flour and her salted provisions in foreign markets, and gave her a valuable part of the trade of the West Indies.

The confidence of the province in Keith was almost without bounds. His influence sufficed to establish two measures, hitherto repugnant to the assembly; an equity court, dependent on the governor's will, of which he was chancellor, and a militia organized by like authority. The public opinion had been long declared in favour of a court of equity; the common-law courts had an equity side, but, either from the diversity of judgments rendered in different counties, or from want of learning in the judges, the people became dissatisfied with the administration of law and equity by the same persons. Keith dexterously availed himself of these discontents. He informed the house of the public wishes, and that "he was advised by lawyers and others, that neither the assembly, nor the representatives of other colonies, had power to erect such a court; that the office of chancellor could legally be executed by himself only, who, by virtue of the great seal, was the representative of the king: yet he submitted this opinion with great deference to the house, by whose judgment he was desirous to be guided." The assembly cheerfully granted to this humility what they had refused to the arrogance of Evans. They requested Keith to open a court of equity, to appoint the necessary officers, and to establish the proper forms. Accordingly, he, by proclamation, directed such courts to be opened on the twenty-fifth of August, and to continue open, for the relief of the subject, in the determination of all matters regularly cognizable before a court of chancery, agreeably to the laws of England.(1)*

(1) See Note F 2, Appendix.

* Whilst presiding in this court, in 1725, sir William Keith took offence at the conduct of John Kinsey, an eminent lawyer, and a Quaker, subsequently chief justice of the province, who appeared before the court, in the transaction of business, with his hat upon his head. Keith ordered it to be taken off; which was accordingly done. The Quakers took this affair under consideration, and, at their quarterly meeting, appointed a committee to wait upon the governor, and to request the continuance of the

The militia was permitted with great readiness, under a recommendation from the house, that the governor, in performing what he deemed his duty, would, with his wonted prudence, take care that the militia service should be voluntary, and that the peace of the inhabitants towards each other should be preserved. The popularity of the governor with the people, alarmed the friends of the proprietary family, who entertained suspicions of a design, on his part, to overthrow their power. William Ashton, a member of the council, and nearly related to the Penn family, wrote to William Penn, jr., and sent verbal messages, cautioning him to beware of the governor, and to rank him among his enemies. Keith, for this offence, expelled him from the council board, from which he was excluded for more than two years.*

But, though Keith was courteous, nay, sometimes servile, towards the assembly, he had sufficient firmness to resist measures which were not sanctioned by his judgment. The influx of foreigners had become so great, as to alarm the assembly, who dreaded their settlement upon the frontier. Keith had turned the attention of the house to this subject, in the first year of his administration, but had prevailed upon them to postpone definite measures, until the sense of the royal council could be obtained. In the meantime, every attempt to naturalize foreigners was received with coldness. Even the Germans, whose industry and utility were proverbial, could not remove the prevailing jealousy. Many palatines, long resident in the province, applied for naturalization

privilege, to which they conceived themselves legally entitled, of *appearing in courts their own way, according to their religious persuasion.* The address of the committee was filed in the court, with the order thereon, making it a standing rule of the court of chancery, that any practitioner of the law, or other person, being a Quaker, might speak or otherwise officiate in the said court, without being obliged to observe the usual ceremony of uncovering their heads, by having their hats taken off."

The following persons were masters in chancery, during the chancellorship of sir William Keith, viz: James Logan, Jonathan Dickenson, Samuel Preston, Richard Hill, Anthony Palmer, William Trent, Thomas Masters, Robert Ashton, William Ashton, John French, Andrew Hamilton, Henry Brooke, William Fishbourne, Thomas Græme, and Evan Owen.

* Minutes of council.

in 1721. The consideration of their petition was procrastinated until 1724, when leave was granted them to bring in a bill, provided they should individually obtain from a justice of the peace a certificate of the value of their property, and nature of their religious faith. The petitioners do not appear to have been satisfied with this condition; still the assembly of the following year sent a bill to the governor, embracing the offered terms. But he returned it instantly, objecting, that in a country where English liberty and law prevailed, a scrutiny into the private conversation and faith of the citizens, and particularly into their estates, was unjust, and dangerous in precedent. The house yielded to the force of his reasons,* and did not insist upon their bill, but it was some time before the subsiding of their jealousy permitted them to confer the privileges of subjects upon the palatines. Indeed, the timidity of the assembly induced them to check the importation of foreigners, by a duty on all coming to reside in the province;† and, if there were any just cause to dread an increase of population, the numbers continually arriving might palliate the present policy. In one year from December, 1728, there were six thousand two hundred Germans and others imported.‡

A disagreement relating to hunting-grounds, between the southern and Pennsylvania Indians, threatened to disturb the peace of the province. To avert this, Keith paid a visit to the governor of Virginia, with whom he framed a convention, confining the Indians resident on the north and south of the Potomac, to their respective sides of that river; which the Pennsylvania and Five nation Indians, at a general conference, held at Conestoga on the sixth of July, 1721, fully ratified. This visit was made with much state. Keith was attended by a suit of seventy horsemen, many of them well armed, and was welcomed on his return, at the upper ferry on the Schuylkill, by the mayor and aldermen of the city, accompanied by two hundred of the most respectable citizens.§

* Votes. † Mod. Hist. ‡ Ibid. Minutes of council. § Proud.

The governor of Maryland prepared at this time to make surveys on the Susquehannah, within the bounds claimed by Pennsylvania, and within the present county of York. Keith resolved to resist this attempt by force, and ordered out a militia company from Newcastle. His council, however, discouraged every resort to violence, even should the Marylanders employ force to effect their object. The Indians became alarmed at the proposed encroachment from Maryland, and, after much hesitation, consented to convey to Keith, that he might have a better title to resist the Marylanders, a large tract of land, for the use of Springett Penn, the grandson of William Penn, afterwards known by the name of Springettbury manor.*

The fears of the province were, soon after, again awakened, by a quarrel between two brothers, named Cartledge, and an Indian near Conestoga, in which the latter was killed, with many circumstances of cruelty. The known principles of revenge, professed by the Indians, gave reason to apprehend severe retaliation. Policy and justice required a rigid inquiry, and the infliction of exemplary punishment on the murderers. The assembly commanded a coroner's inquest to be holden on the body, though two months buried, in the interior of the country, and the arrest of the accused. Messengers were despatched to the Five nations, to deprecate hostility; and, to prevent further irregularities, the prohibition of the sale of spirituous liquors to the Indians was re-enacted, with additional penalties. The Indians invited Keith to meet them, with the governors of Virginia, New York, and the New England colonies, in council, at Albany; where, with great magnanimity, they pardoned the offence of the Cartledges, and requested they might be discharged without further punishment. The address of the king merits a place here. "The great king of the Five nations," said the reporter, "is sorry for the death of the Indian that was killed, for he was of his own flesh and blood: he believes the governor is also sorry; but, now that it is done, there is no help for it. And he de-

* Minutes of council.

sires that Cartledge may not be put to death, nor that he should be spared for a time and afterwards executed; one life is enough to be lost; there should not two die. The king's heart is good to the governor, and all the English." The governor was attended, on his journey to Albany, by Messrs. Hill, Norris, and Hamilton, of his council.*

A part of the emigration to the colonies was composed of servants, who were of two classes. The first and larger, poor and oppressed in the land of their nativity, sometimes the victims of political changes, or religious intolerance, submitted to a temporary servitude, as the price of freedom, plenty, and peace: The second, vagrants and felons, the dregs of the British populace, were cast by the mother country upon her colonies, with the most selfish disregard of the feelings she outraged. From this moral pestilence the first settlers shrunk with horror. In 1682 the Pennsylvania council proposed to prohibit the introduction of convicts, but the evil was then prospective to them only, and no law was enacted.† But an act was now passed, which, though not prohibitory in terms, was such in effect. A duty of five pounds was imposed upon every convicted felon brought into the province, and the importer was required to give surety for the good behaviour of the convict for one year; and to render these provisions effectual, the owner or master was bound under a penalty of twenty pounds, to render, on oath or affirmation, within twenty-four hours after the arrival of the vessel, an account to the collector of the names of the servants and passengers. But such account was not required when bond was given conditioned for the re-exportation of such servants within six months.

Amid the greatest political prosperity, complaints were heard of commercial embarrassment. Employment was still difficult to be obtained: an adequate market was yet wanting for surplus produce; payment for the necessary articles of consumption was procrastinated; law-suits had greatly increased; and, above all, and what was said to be the cause of

* Votes. † Minutes of council.

all, there was a deficiency in the circulating medium. This deficiency grew out of the direct trade with England, the least advantageous to the province. Her produce was not there needed, her manufactures were prohibited, and the specie, obtained from her other trade, was all necessary to pay her English debt. An incessant drain produced a constant and increasing debility, requiring some substitute for specie in commercial exchange. Many remedies were proposed. An attempt was made to prevent the hiring out of slaves, who, working at reduced prices, prevented the employment of freemen. The manufacture of beer and distilled spirits was further encouraged: Produce was made a legal tender in the payment of debts:* The rate of interest was reduced from eight to six per cent.: Executions for debt were stayed: and the value of the coin was raised twenty-five per cent. This last measure produced a partial relief, but operated unequally. The debtor paid his debts somewhat easier; but the design of preventing the export of gold and silver failed altogether, for English goods rose in value with the coin, with regard to which, all new contracts were made.

Keith proposed the creation of a paper currency. This had already been resorted to by Massachusetts, New York, and Carolina, with beneficial results, much lessened however by over issues, which caused its depreciation. Whilst the propriety of the measure was generally admitted, much difference of opinion prevailed as to the amount to be issued, and the details of the plan. Debtors, in the hope of present relief, closed their eyes to the future, and saw no risk in any form or amount of paper money; others, convinced that the value of such paper depended on the solidity of its basis, and the measure of its extent, were solicitous in regard to the security, and disposed to redeem the paper issued by the government at stated periods, by public taxes. The legislature treated the subject with great prudence, giving ample time to the public to understand it, and bestowing due attention on every suggestion made to them. The measure, though pro-

* Votes.

posed in 1721, was not adopted until March, 1723, when the following plan was approved.

Fifteen thousand pounds, in bills of credit, in value from one to twenty shillings, were issued by the government to borrowers, on pledge of plate or real estate, at five per cent. per annum. Loans on plate were made for one year; and on fee simple estates in land or ground rents, for eight years; the applicant deposing that the estate offered was held in his own right, and had not been conveyed to him for the purpose of raising money on loan for others, and that it was clear of all incumbrances. The amount to be loaned to any individual was not less than twelve, nor more than one hundred pounds, unless, at the expiration of four months after opening the loan office, there should remain unloaned any part of the sum directed to be issued, when any one applicant might have two hundred pounds. The loans were to be repaid by annual instalments of one-eighth, either in current money or bills of credit. Money thus received was to be appropriated to the purchase of other bills, and all bills returned to the loan office were to be sunk and destroyed. In default of payment, for two months after any instalment became due, the mortgager was proceeded against by *scire facias;* if he did not appear at the return day, or appearing did not pay the money due, judgment was rendered, and execution awarded, on which the mortgaged premises were directed to be sold within one month. The bills were signed by agents expressly named in the act, and the loan office was placed under the care and management of four trustees.

The bills were made current for eight years, and were a legal tender in all payments: a fine from thirty shillings to fifty pounds was inflicted on persons refusing to receive the paper, in sales of real and personal estate, at the value of gold and silver. Forgery of the bills was punished by the loss of ears, whipping, and a fine of one hundred pounds; or in case of inability to pay such fine, by sale of the offender, to labour for seven years.

Of the sum issued, two thousand five hundred pounds was appropriated to the payment of the public debt, and fifteen

hundred was divided in loans among the several counties. The loan to the treasury was to be reimbursed by the customs and excise, and that to the counties by an annual tax of one penny per pound added to the usual county levy.

A short experience proved the utility of the new currency, and the propriety of its extension. In the succeeding year (1723) a further sum of thirty thousand pounds was emitted on loans for twelve and a half years, in portions not exceeding two hundred pounds; unless after the expiration of eight months there should remain any part unloaned, and then in sums not exceeding five hundred pounds. But the distinctive feature of this new bill was a provision for re-emitting the paper on new loans (as it should be paid in) for the remainder of the term, at the end of which the whole should be sunk. By the first act it was contemplated to preserve the credit of the currency by gradual absorption. But the necessity of this medium in trade, whilst the commercial relations between the colony and mother country continued as at present, was obvious; and as no change in these relations was probable, every pound drawn from the circulating medium yet insufficient to fill the void produced by the export of specie, was an approximation to the state from which the colony had just been partially relieved. This was remedied by the re-emission of the sum authorized by both acts.

With a view further to improve the laws, and to remove all causes of complaint, the assembly raised a committee of grievance, composed of six members, with powers to send for persons and papers; to whom many petitions for new, or for the amendment of existing laws, were referred. Among them was one complaining of the "scandalous and wicked practice of negroes cohabiting with, and marrying white people;" and another "of the scandalous way of many unruly, scolding, and base women, calumniating and disturbing their neighbours." The first was remedied by a law forbidding such marriages; but though the legislature was disposed to remedy the second also, and actually authorized the petitioners to bring in a bill for applying the ducking-stool to allay the fever of the termagants, it seems that they were content

with the impression made by the fear of this ancient and appropriate punishment, and did not press the matter further.

The services of Keith drew from the assembly such an acknowledgment as might well stimulate him to further exertions. "We are truly sensible," said they, "that the deliberations of an assembly, when governed by public spirit, cannot but conduce very much to the general interest of this province, especially, when they are so openly assured of the concurrence of a governor, who, upon all occasions, is ready to give the most sensible demonstrations that he has the interest of the country near at heart; and, as this generous disposition of the governor, in the handsomest manner, leads us to a sense of our duty, so we cannot better show it than in a speedy provision to support the present administration." It is pleasant to give this example of union and cordiality between the constituted authorities of the province, as we have had, and shall have, hereafter, occasion to relate much of an opposite character. This was, indeed, a moment for kind feelings. The provincial debts were paid, much distress had been removed by the loans, additional capital was supplied to commerce, new prospects of business and wealth were opened, hope had succeeded to despondency, and timidity and sloth had given place to enterprise and exertion.

The good sense and talents of the governor were also exerted to reduce an effervescence of the assembly, in consequence of a trespass upon the Pennsylvania soil, by the inhabitants of the territories, in the execution, by hue-and-cry, of a criminal warrant. He justified the conduct of the territorial officers, in passing the boundary line, even where distinctly known, by the acknowledged practice among the colonies, without which it would be impossible to arrest offenders, who could find an asylum in every colony.

Soon after the emission of the bills of credit, several counterfeits were discovered. To prevent future imposition, the bills were ordered by the house to be printed with the figure of a crown upon those of five shillings, two crowns on those of ten, three crowns on those of fifteen, and four crowns on

those of twenty, shillings. This simple device was held to afford sufficient protection against fraud, in the state of the arts and of morals, at that period, in the province.(1)

The powers of the legislature were at this time much confined by the instructions of the crown to the governor; which he communicated to the assembly, in justification of his refusal to sanction a bill conferring some commercial privileges on individuals. He was commanded to withhold his assent from private acts, until proof should be made before him, in council, of public notice having been given of the party's intention to apply for such an act, and unless it contained a clause, suspending its execution until his majesty's pleasure should be known. This restriction was vexatious. No act of incorporation could be passed, no special encouragement could be given to the enterprise of individuals, without delay and uncertainty. Even the naturalization of foreigners was impeded; the governor considering bills for that purpose within the letter of his instructions.

The Indians on the Brandywine creek, by their deputies, complained to the assembly of injuries sustained by the encroachments of the whites. They alleged, that, after the sale of their lands to William Penn, he re-conveyed to them a tract, a mile in extent, on each side of the creek, the deed for which had been burned with the cabin in which it was deposited; and that the English had made settlements within this tract, injured their corn, and, by dams on the creek, impeded the passage of the fish. The deputies were received with much respect, invited to a seat in the representative chamber, and promised that their complaints should be investigated, and promptly redressed. Logan, as commissioner of property, though distrusting the title they set up, proposed to exchange other lands with the intruders; and the governor undertook, that in the province and territories the dams should be abated, or so constructed as to admit a free passage to the fish.

If the principles and course of sir William Keith's admi-

(1) See note G 2, Appendix.

nistration were unanimously approved by the assembly, they were not so favourably received by his council. His devotion to the popular party, and influence with the assembly, so unusual with colonial governors, lessened the importance of the council, and aroused the fears and vigilance of the proprietary party and its leader, Logan. Former governors had submitted themselves to the council, and were persuaded by Logan that the council was a part of the legislature, and that its vote was conclusive. Keith, who well knew that this pretension was groundless, early resolved to reduce that body to its proper place in the government. In February, 1718, several bills were presented, on the same day, in council for his sanction. Instead of submitting them by paragraph, for formal discussion, he directed them to be read at length, and then required the opinion of his counsellors, and that the dissentients, if any, should place their reasons on the minutes; declaring, that, should he pass the bills against the wishes of the majority, he too would record his motives. The majority, Logan included, instantly perceived, that the governor had determined to rid himself of the curb; but, trusting that his resolution would yield to decisive measures on their part, abandoned the council-board, alleging, that sufficient time was not given them to discuss the merits of the bills, and that their acquiescence might be inferred if they remained.* The governor did not attempt to stay their departure, but quietly passed the bills with the minority.†

The dissentients presented a remonstrance to council, in which they contended, that the legislature was composed of the governor, a standing council, and an elective assembly, as in Great Britain by king, lords, and commons: that by the royal charter, the legislative power was granted to the proprietary, who, at the first settlement of the colony, instituted that mode of legislation which required the concurrence of the crown and the assembly; and though, by some unhappy differences, he found it necessary to omit the council in the last charter, yet such omission was supplied by his instruc-

* Norris, Hill, and Dickenson, seceded with Logan. † Minutes of council.

tions to his deputies, requiring them to do nothing of importance without the assent of the council: that the legislative power ought not to be confided without control to an assembly annually elected, always changing with and reflecting the passions of the people: that the assembly had frequently admitted the council to participate in legislation, and though they occasionally refused, it was against the sense of the people, and of the objectors themselves when not re-elected.

Keith reviewed, with just severity, this remonstrance, erroneous in principle and feeble in argument. He appealed to the royal charter, by which the legislative power was granted, not to the proprietary alone, but to him and his heirs, and to their lieutenants and deputies, by and with the advice and approbation of the freemen, or their delegates, without reference to a council: he averred, that the private instructions of the proprietary could not be opposed to the clear sense of his own and the royal charters, which formed the fundamental laws of the province; nor the errors of a former administration furnish an apology for those of a succeeding one: that the balance for a mutable legislature, which they desired to find in the council, already existed in the governor: that the concessions of the assembly to the council could not confer a right, opposed as they were to the constitution, and the sense of other assemblies: that there was gross inconsistency in denying the judgment of the assembly, whilst they appealed to multitudes always swayed by caprice, or by party feelings. He charged them with disingenuousness, in their representations of the proceedings in council: with protracting the discussions on bills already frequently examined, irritating the assembly, and disturbing the good understanding which, with much care and pains, he had established between himself and the house: and he declared, that if the dissidents expected to obtain a negative on the legislative authority, they would be certainly disappointed. This firmness should have recommended the governor to the proprietary and to the people. Yet so little did it promote the views of the former, that it is probable his removal would

have been immediate, had the state of the proprietary family permitted the exercise of its power.*

Disappointed in his hopes of governing Keith, Logan watched him closely, but so prudent and successful were the governor's measures, that he was invulnerable. Logan continued to hold the offices of secretary of the province and clerk of the council until the year 1722, when, having entered among the minutes of the council a statement of its transactions, which had not been formally approved by the board, Keith removed him from the offices of counsellor and secretary, and gave the seal of state to another. Thus deprived of all participation in the government, Logan sailed for England, whence he returned with new and peremptory instructions from Mrs. Penn to the governor, and threats of removal in case of disobedience.(1)

Mrs. Penn reprehended Keith for his neglect of the proprietary interest; and admonished him, that means would be found to make him feel the displeasure of the family, which had hitherto been forborne from tenderness to him, and in hopes that he would apply his known abilities to the interests of his constituents. She required him to second the commissioners of property, in all cases, with the powers of government, and strictly to enforce the laws against the violators of the proprietary rights. She censured his appointment of new counsellors, without the approbation of the existing members, and commanded him to remove from the board all who were so appointed, and that in future one-half of that body should consist of Quakers. Admitting the legislative power to reside in the governor and assembly, the proprietaries, she said, deemed it of the highest importance to their interests, that it should be exercised with prudence and deliberation; and therefore it could not be tolerated, that every new governor should, with an assembly, annually chosen, enact laws, and transmit them to the king's ministers without any restraint; and they were much surprised that he, from whom it was the least expected, should be the author

* Votes. (1) See Note H 2, Appendix.

of so dangerous an innovation, by which the securities given by the deputies not to enact laws without the approbation of the proprietaries' friends in council were avoided; and, therefore, he was required to advise with the council upon every meeting and adjournment of the assembly requiring any deliberation on his part; to make no speech, nor send any written message to the assembly, which was not first approved in council; to receive all messages from the house in council as far as practicable; to retain no bills without its advice, nor pass any law without the assent of a majority of the board.

Keith had written to Mrs. Penn an account of Logan's conduct in relation to the minutes of council, but she, presuming his letter to be written in anger, declined to notice this charge. She could not, however, refrain from expressing her surprise, that Logan, since his arrival in England, had refused the title of secretary of the province; which, on inquiry, she learned, was in consequence of the governor's appointment of a stranger to that office. But, as her husband, after full experience of his probity, fidelity, and capacity, had appointed him not only secretary of the province, and his receiver-general, but had made him one of the trustees of his will; and as the family had abundant evidence of his fidelity, in his constant care to promote their interest in the province, in the correctness of his accounts, and the manner of his returns, by which he saved them many hundred pounds in exchange, there was no room to suspect his integrity in any of the family affairs; and consequently, without wrong to him and herself, she could view him in no other light, than that of an honest man, and a true and faithful friend. Hence it was not to be expected, that a gentleman who had obtained the government by her husband's commission, under which he still held it, should, without notice to, or directions from, the family, and even without advising with the council, as enjoined by his instructions, presume to displace such an officer. He was therefore commanded to reinstate Logan in all his offices, to restore to him the seal, to cause all the acts of the government, military commissions and marriage licenses excepted, to be authenticated by the provincial seal in the secretary's office,

and to cultivate a good understanding with him for the sake of the public peace, the public good, and that of the family.

Mrs. Penn was dissatisfied with the paper currency, and the manner in which it was established. She refrained, she said, from soliciting the repeal of the laws by which it was created, under the expectation, that all possible care would be taken to support its credit, and that no further issues should be made. Of all Keith's acts, his treaty with the Indians at Albany, alone, drew forth commendation; but even here a great portion of the merit was assigned to his counsellors, to whose guidance, especially that of the commissioners of property, he was recommended, in all matters relating to the aborigines. This long and severe lecture concluded thus: "As thou wert chosen in the time of my husband's weakness, by means of his friends only, to that important trust, it would be with some regret should we be obliged to make a change before our final settlement with the crown, though the means are ready at hand. We earnestly, therefore, desire that thy skill and abilities may be employed to render thy continuance yet grateful to us, which can be no other way effected than by thy strict observation of thy former, and these present instructions."

Accompanying Mrs. Penn's epistle, was one from Henry Gouldney, and Joshua Gee, written in like spirit, but in terms more absolute. "The care of the province," said they, "devolving in some measure upon us as trustees, we have been obliged to consider thy late conduct in it, which has been so far from giving content to thy friends, who expected a very different account of it, that we might have very justly proceeded to a change. But the widow of our worthy friend, our deceased proprietary, is still willing thou mayest have a further trial, and be continued longer; the only terms of which is thy strict compliance with the instructions given in the foregoing letter. Thou may suppose, perhaps, that the powers of government are not directly lodged by the will in our said friend the widow; and, therefore, that it may not belong so immediately to her to direct in affairs of government; but as the interest of the family is

principally concerned in the welfare and prosperity of that province, it can become no other person better to take care of it; and if ever the propriety of this proceeding be questioned, thou may easily be convinced, there is sufficient power to end all disputes with thee about it."*

This potion, so bitter in itself, was rendered more nauseous to Keith by being mixed and administered by the hand of Logan. Keith, assured of his animosity, believed that the want of power, and not the forbearance of the family, prevented his own removal. He knew that the powers of government were in abeyance by the refusal of those who had the legal estate in them, to act without the authority of chancery, and that the land trustees had no right directly to interfere with the administration. And he flattered himself that, if the consent of the necessary parties to the appointment of another governor could be obtained, under any circumstances, it would not be predicated upon his refusal to submit to the dictation of his council; and that the fortunate state of the province attesting his zeal and wisdom, would outweigh the interested fears of the family, and the suggestions of an ambitious man devoted to their cause.

From such considerations, Keith, in his reply, openly justified the course he had pursued. Professing his readiness to obey such instructions as were not repugnant to the constitution, he asserted the right of the deputy-governor to act independently of the proprietary, to have been conclusively settled at the commencement of Evans' administration. That deputy being required to pass no law without the assent of the proprietary, the assembly demanded of the council, whether such reservation was void in itself, or whether it avoided the whole commission? The council, then composed of the most respectable and devoted friends of the family, among whom was Logan, judge Mompesson, and the eldest son of the proprietary, unanimously declared the reservation void. If, therefore, Keith inferred, the proprietary could not directly control his deputy, such power could not be

* Votes.

indirectly exercised. The insuperable objections arising from the constitution, were thus supported by the best authority, and there were others equally insurmountable. By act of parliament, the proprietary was forbidden to appoint a lieutenant, who had not given security in the exchequer, to obey the royal instructions; therefore, the veto now insisted upon for the council, could not be conceded without his majesty's consent, and was in truth injurious to his prerogative. Yet he urged, though unable to surrender his conscience and will to the council, that he had always solicited, and frequently profited, by its advice; and, holding the members but as legal advisers, and solemn witnesses of his actions, for which he alone was responsible, it was his duty, as it was his right, to appoint his secretary and clerk, that their minutes might be faithfully entered and carefully preserved in hands that would not dare to violate them. This confidence he could not place in Logan, who had falsified the minutes, and deigned not to deny or extenuate his conduct.*

Had the governor confined himself to this answer, his triumph over Logan would have been complete, at least in the minds of the provincialists. But, betrayed by his fears, or seduced by his vanity, he committed an unpardonable fault, by communicating the instructions of Mrs. Penn, together with his reply, to the assembly. Logan also addressed them in a long memorial, recapitulating the arguments of the dissentient counsellors, the absurdity of which he, by attenuation, rendered more apparent. His appearance before the public, seemed to be felt by David Lloyd, as a challenge from an ancient adversary. He had been appointed chief justice, and, in the holiday of a patriotic and popular administration, had almost slept on his woolsack; but now, aroused, he overwhelmed his antagonist with cases from the king's bench, to prove that the deputy is invested with the whole power of his principal, and could not be legally restrained in its exercise. The governor also replied to Logan, by a recapitulation of his former arguments. The assembly

* Votes.

highly approved of his conduct, remonstrated with Mrs. Penn upon her instructions, and, pledging themselves to support the governor in his resistance to them, they granted him a donation of one thousand pounds.*

Thus supported, Keith assumed the appearance of confidence, though extremely anxious with regard to his situation. Rumours of his removal were whispered from time to time. The family disputes might be compromised, misrepresentation might unite the family and trustees in his removal, and even the assembly might be influenced by the powerful interest exerted against him. He endeavoured to bind the last more closely to himself, by new propositions to improve the provincial trade, and by new offers of his services, in passing such laws as they might deem necessary to their prosperity; and he even essayed to awaken their gratitude, by detailing the benefits which flowed from his administration. But, the house, having been assured of his removal, with the most condemnable versatility, treated his instances with coldness and reserve, and even depreciated his services. He attempted, in vain, to procure an immediate vote approbatory of his conduct and of his address to the family; even though he was supported by the people in this purpose, the assembly procrastinated, and, finally, feebly and frigidly executed, his defence. Their waning affection conclusively appeared, in their refusal to grant him more than four hundred pounds towards his support for the current year. This injustice excited him to an indignant expression of his feelings; but the house, then informed of the appointment of his successor, postponed the consideration of his message until their next meeting, before which he was superseded by the arrival of Patrick Gordon, esq.†

Sir William Keith was decidedly the best of the proprietary deputies. Differing from the great body of the people whom he governed, in religion and manners, he acquired their esteem and confidence. If he sought popularity, he promoted the public happiness; and the courage he displayed, in resisting the demands of the family, may be ascribed to a higher mo-

* Votes. † August, 1726.

tive than private interest. The conduct of the assembly towards him was neither honourable nor politic: for his sins against his principals were virtues to the people, with whom he was deservedly a favourite; and the house should have given him such substantial marks of their gratitude as would have tempted his successors to walk in his steps. But fear of further offence to the proprietary family, the influence of Logan, and a quarrel between the governor and Lloyd, turned their attention from him to his successor.*

This successor was appointed by the family, and formally proposed to the crown, by Springett Penn, the heir-at-law. Keith's conduct was grossly misrepresented in London, and, among other things, he was charged with enmity to the Quakers, to promote whose interests was his constant endeavour, and whom he had certainly served, by his exertions to obtain for them an entire exemption from taking or administering oaths. Mrs. Penn, in her reply to the remonstrance of the assembly, (in which she treated them much like children unable to understand their own interests,) accused him of a design to wrest the government from the proprietary family. But there is no evidence of this intention during his administration. These misrepresentations rendered the removal of Keith much more easy than he had anticipated.(1)

* Franklin. Mod. Hist. (1) See Note I 2, Appendix.

## CHAPTER XI.

Governor Gordon's address to, and reception by, the assembly···Keith's intrigues···Shad fisheries···Death of George I. ····Murder by the Indians·····Indian expenses····Foreign emigrants···County of Lancaster formed····Paper currency ····Fraud in the loan-office·····Sugar trade·····Provincial agency····Attack on the freedom of the colonies in parliament····Assembly claim the right of appointment to office ····Visit of the proprietaries····Abolition of the court of equity····Death of governor Gordon····his character····His administration····Logan president of council.

Governor Gordon endeavoured* to recommend himself to the assembly, by assuring them that the frankness of his character, acquired in camps, disqualified him for any artful system of policy; and therefore his views, openly avowed, would be fully understood by those they would affect. He felt confidence in the situation he had assumed, under the conviction that it was not difficult to act rightly, and that, in cases of importance, he might consult with the representatives of the people, and at all times with those who had the interests of the public seriously at heart. This was viewed by the house as an intimation of his disapproval of the policy of his predecessor, and of his own determination to be guided by his council. Yet the house declared itself heartily glad, that "the heir and executrix of their late worthy proprietary had had such regard to their own honour, and to the good of the colony, as to appoint him to represent them in the government, according to their undoubted right; and that his majesty's care and justice was obvious, in not suffering their disputes to obstruct his royal approbation." This reply was

* August, 1726.

most severe and unexpected in regard to Keith. But the manners of governor Gordon were conciliating, his temper yielding, and he was so fortunate as to avoid matters of contention with the people.

Keith, however, was not entirely deserted. Indeed, he was strong in the affections of many respectable inhabitants, and the great mass of the people adhered to his interests. His influence he believed sufficient so to embarrass the administration of Gordon, as to make the re-appointment of himself necessary; or, failing in this, to wrest the government from the proprietary family. With these views, he caused himself to be elected to the assembly. During his first year of service, no opportunity was presented of dividing the house; but in the second, on some dispute whose nature cannot be distinctly ascertained, eight members receded with himself, and refused attendance during the remainder of their term, notwithstanding repeated threats and solicitations of the house. But, as Keith's views became understood, his power declined; and finally, having, with puerile vanity, talked of his plans for the subversion of all proprietary governments in North America, he drew upon himself the public contempt. Several respectable witnesses deposed before a justice of the supreme court, and mayor of the city, to conversations with Keith, in which he developed his design of embarrassing the proprietaries, till they should sell the government to the crown, whence he expected a re-appointment. These depositions having been laid before the assembly, were published with their minutes, and extinguished all Keith's hopes of aggrandizement.

The Delaware river afforded excellent shad fisheries, but the inhabitants of its borders were deprived of the power to use them extensively, by reason of the high duty laid by parliament on the importation of salt. The New England colonies had obtained exemption from duty on this article, and Pennsylvania had, at the instance of Keith, prayed for the like favour. The interests of the province, on this subject, were confided to Mr. Perry, of London, whose success-

ful exertions were rewarded by the province with a donation of one hundred and fifty guineas.

George the first having died in June, the accession of his son, George II., gave occasion for a congratulatory address from the assembly, at their first meeting in October. Governor Gordon proposed to unite with the house in their address, but, afterwards, he declined, concluding that it became him to approach the king in a style different from that which they assumed.

As the colonists extended themselves through the interior of the country, they came more frequently and more closely in contact with the natives, and, in despite of the efforts of the government, opposition of habits, interests, and dispositions, led to occasional violence, by either party, and sometimes to bloodshed. A person named Wright had been killed beyond Conestoga, at a place called Snake town, by the Pennsylvania Indians. The course directed by the assembly, on this occasion, to obtain redress, was that established for the prosecution of Indian offenders generally. The criminal was demanded of the town or nation to which he belonged, with a threat that, unless he were surrendered within a specified time, the proper officer would be empowered to apprehend him; and, when surrendered, he was tried by an English jury. The colonists were much annoyed by non-resident Indians, who frequently, in small and armed parties, roved on the borders of the settlements, and, stimulated by drink and cupidity, committed outrages upon the persons and property of the inhabitants. A case of this kind had called forth the inhabitants on the Manatany, a creek emptying into the Schuylkill thirty miles from Philadelphia, and, in the affray, several of the whites, as well as Indians, were wounded. During the alarm and irritation occasioned by this affair, three unoffending Indians, of a friendly provincial tribe, were inhumanly killed in the woods by four whites. The governor, who had, on the first disturbance by the strange Indians, proceeded to Manatany, ordered three of the murderers to be arrested, the fourth escaped. The vengeance of the Indian chiefs, to whom the deceased were related, was much dreaded; but it was averted

by the interposition of the Five nations, and a new treaty, sealed in the usual manner by presents; the expense of which, in the present case, was near three hundred pounds.

In considering the expenses of this treaty, and other negotiations with the Indians, the house took the distinction between the charges consequent upon their political relations with the Indians, and such as were incurred in treaties for the purchase of lands. The latter, they contended, should be paid by the proprietary. The right to purchase lands was vested in William Penn, his heirs and grantees; and, by an act of assembly, passed in 1700, all purchases made by others were declared void. The charge of preserving a social and friendly intercourse with the savages was a provincial one; and the frequent visits of the chiefs and their followers, to polish the chain of friendship with English blankets, broad-cloths, and metals, were hitherto paid from the provincial treasury. But almost every treaty was accompanied by a purchase of land, and the oblations to the flame of friendship, in the calamut of peace, became considerations implied in the bargain for the soil. The Indian chiefs had not yet discriminated between the government and the land proprietors; but the assembly, more acute, resolved that they who so much depended upon the friendly chain, should contribute to its preservation.

The increase of foreigners, particularly of palatines, again awakened the fears of the government, which found sufficient cause to discourage their importation, in their adherence to each other, and their exclusive use of the German language. Even the mother country apprehended that Pennsylvania was about to become a colony of aliens. Excited by their own fears, and instructed by the ministry, the assembly passed an impolitic act, laying a duty of forty shillings per head, on all aliens imported. A regard to revenue may have assisted this determination, as many thousands of Germans were expected in the ensuing year.* In justice to the Germans, it should be told, that this law was enacted in the face of a report of a committee of the house, containing satisfactory evi-

* The number of emigrants that arrived, from December, 1728, to De-

dence of their good conduct. "The palatines who had been imported directly into the province, had purchased and honestly paid for their lands, had conducted themselves respectfully towards the government, paid their taxes readily, and were a sober and honest people in their religious and civil duties. Yet some who had come by the way of New York, and elsewhere, had seated themselves on lands of the proprietaries and others, and refused to yield obedience to the government."*

The city of Philadelphia had certainly cause to complain of the great influx of strangers. Many of them with families, having no means of support, were cast on public charity, dispensed by the guardians of the poor. These officers were created by act of assembly of 1705, upon a system analogous to that of England. And from funds furnished by the bills of credit, was laid the foundation of a perpetual moral disease, in the alms-house of Philadelphia, and the general pauper system—a powerful magnet, attracting to the city much of the crime, engendered by slavery in other states, and all the poverty which can obtain a legal claim to relief; a matter extremely easy, since the mistaken philanthropy, which founded the system, presides over its administration; entailing upon the citizens immense annual burdens, which become

cember, 1729, was about six thousand two hundred and eight; but a small portion were aliens.

| | |
|---|---|
| There were of English and Welsh passengers and servants | 267 |
| Scotch servants | 43 |
| Irish passengers and servants | 1155 |
| Palatine passengers | 243 |
| By the way of Newcastle, chiefly passengers and servants from Ireland,† | 4500 |
| | 6208 |

The town of Newcastle, at this time, contained two thousand five hundred souls. *Humph. Hist. Acct.* 163.

* Votes. † Europ. Sett. Universal Hist. Douglass.

less tolerable from the conviction, that much is paid for the maintainance and encouragement of vice.

The inconveniences sustained by the inhabitants, from the great extent of the counties, were at this time severely felt by those of the county of Chester, who complained of the distance of the county town and public offices, and of the impunity allowed to petty offenders, resorting to remote parts of the province, distant from a court of justice, and public prison. In consequence of this memorial, the county of Lancaster was erected.

The causes which produced the bills of credit required further issues, but the system was opposed by many obstacles. The first acts had been reluctantly sanctioned by the commissioners of trade and plantations, with an explicit declaration, that any attempt to extend them would be resisted; but the arguments of Keith, founded on a just discrimination between the paper money of the New England provinces, resting on the faith of the government alone, and that of Pennsylvania, secured by the estates and industry of an enterprising population, removed the scruples of the ministry. But they were not sufficient to conciliate the proprietaries, who, though satisfied of the general advantage resulting from the system, were sensibly injured in their pecuniary receipts, by its operation. By the proclamation of 6th Anne, the provincial currency was regulated, and the pound sterling was worth a third advance; since the introduction of paper, exchange had risen to seventy per cent., operating most injuriously on those who had claims for sterling money, but were paid in provincial paper at its nominal value, and especially upon the proprietaries in the collection of their quit-rents. Justice required that they should be indemnified; and their deputies were respectively forbidden to pass any law for making, emitting, increasing, or continuing any paper currency, unless provision were made for the payment of the quit-rents, and other rents, according to the rate of exchange between the cities of Philadelphia and London.

Governor Gordon endeavoured to obtain a clause, requiring all the proprietary rents to be paid in sterling currency, or

in its equivalent; but the house would consent to provide only for the quit-rents, which provision he refused to accept, and preferred to leave the whole subject open for future discussion. The assembly proposed to issue an additional sum of fifty thousand pounds, at four per cent., repayable by instalments, in sixteen years; and to re-issue the sums authorized by former laws, at like interest, and for the like term; but after much conference between them and the governor, they reduced the amount to thirty thousand pounds, and raised the interest to five per cent. The whole sum of paper money now current in the province was seventy-five thousand pounds, which continued until 1739, supported by occasional laws, directing new bills to be issued for supplying such as were torn or defaced.

In 1739, a great diminution of the circulating medium having taken place by the re-payment of former loans, the assembly were petitioned not only to extend the term of the former laws, but to add to the amount of bills, to lower the interest, to permit larger sums to be loaned to individuals, and to extend the time for payment. A bill was prepared, enlarging the currency to eighty thousand pounds, repayable in sixteen years, by annual instalments, and reissuable as paid in for the remainder of that term; the interest at five per cent.; the minimum of loans to individuals twelve, and the maximum one hundred pounds.

The governor objected to this bill, its injurious effects upon the proprietary interests; and recalled to the assembly its admission, that the quit-rents demanded English money, and that the debt could not be otherwise discharged than by the payment of an English shilling, or the value of it, in the current coin, for every hundred acres of land. He also required that provision should be made in the act, for equalizing all the sterling payments due to the crown, the English merchants, and the proprietaries. The house replied, that the first were already secured by act of parliament; the second, by the general sense of the province, and the practice of the courts, in which juries always considered the rate of exchange; and that a statutory provision for the last would

produce two standards of value, and depreciate the currency; would prejudge the interests of those who might contest the difference of exchange, and would render the value of rents uncertain, fluctuating with the rate of exchange, which depended upon various causes, beside the intrinsic value of money. They also insisted, that it would enable the proprietors, whose large receipts gave them the command of the money market, to raise the rate of exchange at pleasure.

After much delay the proprietaries consented to accept an ascertained compensation for the difference of the currency. The arrearages of rent at this time amounted to eleven thousand pounds sterling; the exchange on which exceeded four thousand pounds. For this sum they received twelve hundred pounds, and an annuity of one hundred and thirty pounds during the continuance of the paper currency, in consideration of its future receipt at the current value. These obstacles removed, the bill became a law, and the sum of eighty thousand pounds, in bills of credit, was continued current, by an act of 1745, until the year 1773, when the sum of one hundred and fifty thousand pounds was issued on loan, by authority of an act of assembly, sanctioned by Richard Penn.

Large sums of paper money were issued on the exigencies of war, and for several purposes of improvement. But these were temporary in their nature, and redeemed by the product of certain taxes created with that design.

In 1778 the commonwealth called in all the bills of credit issued by the legislative authority of Pennsylvania, under the sanction and authority of the crown of Great Britain, directing them to be exchanged with the treasury for bills issued by congress, or by the commonwealth, or to be paid for taxes, or in satisfaction of monies due on mortgage, before certain periods, under the penalty of forfeiture.

In consequence of rumours of mismanagement in the loan office, the assembly added to their usual annual examining committee certain assistants, not members of the house, distinguished for their knowledge of accounts. These attempted to examine the books from the establishment of the office;

but William Fishbourne, the treasurer, and acting manager of the board of commissioners, refused to submit them, on the ground, that they had been conclusively settled by former legislative committees, whose reports were confirmed by the house. But the assembly immediately directed him to account with their last committee from the emission of the paper currency, and submit to their view all the cash and bills of credit remaining in the office. From the investigation which ensued, it appeared, that the trustees had devolved on Fishbourne the whole management of the office, examining occasionally such accounts as he chose to exhibit, and confiding in the semi-annual inspection of the legislature; that for several years he had made short returns of monies paid, and was a defaulter for more than eighteen hundred pounds. All the trustees were removed, and others appointed. Fishbourne secured the payment of his arrears by mortgage on his real estate, and attempted to account for his delinquency, by a robbery, he said, was committed upon him by a member of his family. But the house, not crediting his justification, disqualified him by law from holding any office in the province. This punishment, perhaps, was not disproportionate to the offence; but the law inflicting it was, *ex post facto*, enacted after the commission of the crime, and was dangerous in precedent. The assembly was the prosecutor, and the judge, with uncontrolled power to punish. Such amalgamation of executive, judicial, and legislative powers, should ever be viewed with dread. Governor Gordon hesitated to sanction the bill, but his scruples were overcome by *ex parte* representations of the assembly.

The British West India islands, which had attained great wealth and population, applied, first to the king in council, and, subsequently, to parliament, to confine the continental colonies, in their purchases of West India produce, wholly to the English islands. The passage of a bill for this purpose was arrested by the efforts of the colonial proprietaries and agents, who represented, that this measure, partial and inconsiderate, would exclude them from the sources whence they derived the means for payment of the English balance

against the colonies. Pennsylvania was justly alarmed, and threatened the English manufacturers, that, in case of the adoption of the measure, she would be compelled to manufacture for the supply of her own wants. The assembly, in conjunction with the governor and council, addressed remonstrances to the king, the lords, and commons, respectively. These were presented by Ferdinando John Paris, agent for the province at London.

Before the appointment of Mr. Paris, the province had no permanent agent to superintend its interests. Her laws were repealed by the king, from ignorance of their operation and of the causes of their enactment; the representations of the proprietaries, to promote their exclusive interests, were unopposed; and prejudices frequently prevailed, which a well-instructed agent might speedily remove. The charge was burdensome, and was occasionally complained of, but the agency was too advantageous to be discontinued. The agent was the special minister of the assembly; he received his instructions from them, and communicated his reports through a committee of the house.

During this year, the province first became apprehensive of the designs of the French in the western country. Mr. Logan communicated to council, that the French claimed, by virtue of some treaty, all the lands lying on rivers, the mouths of which they possessed. That lands on the Ohio and Alleghany, unquestionably within the province of Pennsylvania, were embraced by this claim, and that, on some maps, the French boundary was extended to the Susquehannah. That, some years before, the governor of Montreal had sent an agent among the Indians on the Alleghany, to gain their affections, and that some of the Shawanese had, on his invitation, visited Montreal: and that, in the preceding spring, the same agent, accompanied by a small party of French, had again visited the Indians.

With a view to frustrate the designs of the French, which obviously tended to alienate the Indians from the English, Mr. Logan proposed that a treaty should be holden with the Shawanese, and other Indians on the Alleghany, and that they should be invited to remove nearer to the English settle-

ments. His views were adopted by the council and the assembly, having been communicated verbally to the latter body, that they might not be made public.

The Six nations, with whom a treaty was soon afterwards holden at Philadelphia, confirmed Mr. Logan's information, and added, that the French had erected houses on the Ohio, against the remonstrances of the Indians.

The Shawanese of the Alleghany were summoned to render an account of their visit to Montreal. But they asserted, that the language of the French was friendly to the English, and the English Indians. They complained, that, though friendly themselves to the English, they had been called to Philadelphia to be reprehended; and they refused to remove from the Ohio.*

By the death of Springett Penn, and Mrs. Hannah Penn, the assembly conceived that Mr. Gordon's authority was determined. They refused to act upon a message which he sent them, and privately advised him to withdraw it, and adjourned themselves to the last day of their term. But a new commission, signed by John, Thomas, and Richard Penn, in whom the government, as well as the property in the soil, was now vested, was received by governor Gordon in October. In the approbation given to this appointment by the king, there is an express reservation of the right of the crown to the government of the lower counties on the Delaware.†

The exertions of Mr. Paris were particularly, though unsuccessfully, used, to prevent the repeal of a judiciary act, passed in 1727. The rejection of this law was very dissatisfactory to the provincialists; but the inconveniences produced by its abrogation were, in a great measure, removed, by the immediate revival of the judiciary act of 1722. But the labours of Mr. Paris, in union with the colonial proprietaries and agents, were more fortunate in averting a measure, which threatened to destroy the charters, and abridge the rights, of all the colonies. Upon the representation of the commissioners for trade and plantations, a resolution was reported to the house of lords, requiring each colony, whether regal or

* Minutes of council. † Ibid.

proprietary, to transmit to the board of trade a complete copy of its laws; and authorizing the crown, notwithstanding any privilege or limitation by charter, to repeal any law which had not received his majesty's approbation in council, and which might be found detrimental to the prerogative or interest of Great Britain; and that, in future, all provincial laws should be sent home within twelve months, and should be inoperative, until confirmed by the king. The success of this measure would have greatly retarded the advancement of the colonies. Laws required by momentary exigencies could not have been enacted, and such as were most wise and necessary, would be delayed for years, by the tardiness or indifference of council.

In the inspection laws established by the assembly, the inspecting officers were appointed by the house, and named in the bill. This was viewed by the proprietaries and the governor as an encroachment on the executive power, but was feebly opposed by Gordon, when the house was about to renew the act, preventing the exportation of unmerchantable bread and flour. He objected more particularly to their assumption of the right to appoint, in case of vacancy in the office; and proposed, that the vacancy should be filled by act of assembly, in the passage of which he would have a voice. But the house refused to allow him this participation, and wrung from him a reluctant assent to their bill, by the necessity of the law, and the force of precedent.

Considerable jealousy of the Roman catholic religion prevailed in the province, whilst all others were tolerated without fear. This arose from apprehension that a similarity of religion might lead the catholics in the province to support the French interests. Governor Gordon brought this subject before his council for consideration, informing them that a house had lately been built in Walnut street for the exercise of that religion, in which mass was openly celebrated by a priest, contrary to the laws of England, and particularly the 11th and 12th of William III., which extended to all his majesty's dominions. The council were of opinion that the statute did not extend to the province, and that the catholics

were protected by the charter of privileges, and the law concerning liberty of conscience; but referred the subject to the governor, that he might, in his discretion, consult his superiors at home. But it does not appear that the governor took further notice of the matter.*

In August, 1732, Thomas Penn, and in October, 1734, John Penn, the oldest of the proprietaries, and a native of Pennsylvania, visited the province. They were received affectionately by the people, and complimented with an address from the assembly, and immediately on their arrival, respectively, became members of the council. The return of the latter was hastened by information that lord Baltimore had applied to the crown for a grant of the territories on the Delaware. An attempt which provoked an active and effectual opposition from the proprietaries, the assembly of Pennsylvania, and the society of Quakers in England.

The court of chancery had, since its establishment by Keith, continued to exercise its functions, undisturbed by murmurs or doubts of its authority. Its business, however, was inconsiderable; two causes only having been heard and decided during the administration of governor Gordon. Suddenly it was discovered to be unconstitutional, and petitions were poured upon the assembly, praying for its abolition. They required the governor to inform them on what authority the court rested. He referred them to the minutes of council, containing the assent of the house in the year 1720, the resolution of the council, and the proclamation of Keith. But the assembly resolved, that the court was contrary to that section of the charter, which forbade the governor and council to take judicial cognizance of any matter relative to "*property*," unless upon appeal, allowed by law, from the ordinary courts of justice; and proposed two bills, the one confirming the proceedings of the court of chancery, the other restoring equity jurisdiction to the courts of common law. Both governor and council complained of the remarks of the assembly, upon their exercise of chancery powers, and justified

* Minutes of council.

themselves by the implied approbation of the legislature from the year 1720, the opinions of lawyers, and the practice of the other colonies: and they construed the word "property," in the charter, to be exclusively appropriated to designate the interest of the proprietaries in the soil. But the house replied, that neither the errors nor indolence of former assemblies, the mistakes of lawyers, nor the practice of other colonies, was imperative upon them; and that they were filled with regret and surprise, to find gentlemen of such penetration as the governor and council, refining away the common sense of their charter, by confining the word "property," to the estate of the proprietaries. The further discussion of these subjects was prevented, by the adjournment of the house, and the death of governor Gordon. But no subsequent governor assumed the powers of chancellor.

The administration of Gordon was, in all respects, a happy one. No circumstance occurred, requiring him to weigh, in opposite scales, his duty to the people and to the proprietary. The distinction between the proprietary and popular parties was scarce remembered. The unanimity of the assembly, the council, and the governor, gave an uninterrupted course to the prosperity of the province. The wisdom which guided her counsels, is strongly portrayed in her internal peace, increased population, improved morals, and thriving commerce. The import from England in 1723, the year in which the paper currency was first adopted, amounted to £15,992 19 4; but, in 1737, it had increased to £58,690 6 7 sterling. She employed about six thousand tons of shipping, and built for sale, annually, two thousand tons more. She shipped to Lisbon great quantities of corn, frequently selling the ships as well as cargo, and sending the proceeds to England. She received from the Dutch isle of Curraçoa, alone, from four to six thousand pistoles, for provisions and liquors. She had a brisk trade with Surinam, the French part of Hispaniola, and the other French sugar-islands, from whence she had returns in molasses and specie; and from Jamaica she brought back specie chiefly, because of the high price in that island of rum and molasses. She traded extensively with Madeira, the

Azores, and Canaries; with Spain, Portugal, and the Mediterranean.* The laws regulating the inspection of beef, pork, and flour, were revised; an auctioneer, or vendue master, was appointed by the governor, on the recommendation of the mayor, and recorder, and aldermen, of the city of Philadelphia, pursuant to an act of assembly; additional penalties were enacted against the importation of convicts and paupers, and a humane insolvent law was passed.†

The first insolvent act (of 1705) was founded in sterner justice than is consistent with human frailty, or the uncertainty of human events. By it no person could be imprisoned for debt, or fines, longer than the second day of the next session of the court after his commitment, unless he concealed his property. But if his property were insufficient for the payment of his debts, he was compelled to make satisfaction by servitude, if the plaintiff required it; a single man, under fifty-three years of age, for a term not exceeding seven years; if married, and under the age of forty-six years, for a term not exceeding five years, according to the judgment of the court, where the action was brought. But if the plaintiff refused such satisfaction, the prisoner was discharged in open court. This imperfect law was annulled by its severity. It was repealed, and supplied by the act of the fourteenth of February, 1730, which laid the foundation of the present system. A debtor charged in execution, disposed to surrender his property for the use of his creditors, might petition the court whence the process issued, for the benefits of the act, which were granted to him of course, he having, 1, Made a statement, on oath or affirmation, of his real and personal estate, his debts and credits; 2, Given notice to his creditors to meet him on a day stated; 3, Declared, on oath or affirmation, that he had not concealed or disposed of any of his estate, whereby to have or expect any profit to himself, or to defraud any of his creditors; and, 4, Assigned his effects in trust for his creditors. Upon performance of these things, the debtor was discharged from imprisonment for all causes mentioned in his petition. If the

* Anderson. † Votes.

creditor were dissatisfied with the debtor's oath, he might be remanded, and, on payment to the prisoner, of a sum not exceeding three shillings per week, to be regulated by the court, his imprisonment might be continued at the pleasure of the creditor. But this law having been abused by many persons indebted in small sums, satisfaction by servitude was again enforced, by supplement, the next year, in cases where the debts of the insolvent did not exceed twenty pounds.

By the death of governor Gordon, the administration of the government devolved on the council, of which James Logan, by right of seniority, was president. The council was forbidden to exercise legislative power, and consequently, though the assembly regularly met to advise the government, if there should be occasion, no laws were enacted, or other legislative business done. During Mr. Logan's presidency, from August, 1736, to August, 1738, when he was superseded by the appointment of Mr. Thomas, there were few subjects of historical interest. The public business was conducted with prudence and decorum. In the council there were James Logan, Clement Plumstead, Ralph Ashton, Thomas Griffith, Thomas Lawrence, Samuel Hudd, and Charles Read. In the house of representatives were many of those who had for years directed the affairs of the province. That body had, during the administration of Mr. Gordon, been guided and directed by Andrew Hamilton, William Allen, Jeremiah Langhorne, and Isaac Norris, men whose virtues and talents would have reflected honour on more elevated stations.

The administration of Mr. Logan was distinguished by one of those contests between the people of Maryland and Pennsylvania, consequent on the unsettled state of the boundary. Many of the palatines had settled west of the Susquehannah, (York county,) under Pennsylvania titles, but in order to avoid the payment of taxes imposed by the province, they accepted titles from Maryland, and attorned to lord Baltimore; but, becoming satisfied that adhesion to him might ultimately prejudice their interests, they formally renounced their allegiance, and sought protection from Pennsylvania. This tergiversation irritated the Maryland authorities, and

the sheriff of Baltimore county, with three hundred men, marched to eject the palatines from their possessions. The sheriff of Lancaster county (Samuel Smith) drew out his *posse* for their protection, and without violence succeeded in inducing the Maryland party to return without attempting their purpose, on a pledge of the Germans, that they would consult together, and give an answer to lord Baltimore's requisition, to acknowledge his authority.* But, an association was soon after formed, with the knowledge of governor Ogle, consisting of at least fifty persons, headed by a captain Thomas Cressap, expressly for driving out the Germans, and dividing their lands among the associaters, two hundred acres being promised to each. In the prosecution of their design, they killed one Knowles, who had resisted them. Cressap was, in his turn, assailed by the sheriff of Lancaster, and after a sharp contest, in which one man was killed, and Cressap himself wounded, was made prisoner, and conveyed to Philadelphia jail.

Governor Ogle, on receipt of this intelligence, despatched Edmund Jennings and Daniel Dulany to Philadelphia, to demand reparation, and the release of Cressap. Both were refused by the president and council, who earnestly remonstrated against the encroachments of the people of Maryland, encouraged and protected by their governor.†

Governor Ogle immediately ordered reprisal. Four German settlers were seized and carried to Baltimore, and a band of the associaters, under one Higginbotham, proceeded forcibly to expel the Germans. Again the council ordered out the sheriff of Lancaster, and the power of his county, with directions to dispose detachments in proper positions to protect the people; and they despatched Messrs. Lawrence and Ashton, members of the board, to support him in the execution of their orders. When the sheriff entered the field the invaders retired, but returned as soon as his force was withdrawn. Captures were made on both sides; the German settlers were harassed perpetually; in many instances driven

* 1736, September. † December.

from their farms, and in others deterred from every attempt to plant or improve.

In May,* the council sent Samuel Preston, and John Kinsey, on an embassy to governor Ogle, to treat on some measure which might preserve the quiet of the border, until the pleasure of the king should be known, to whom both parties had appealed. But governor Ogle requiring some concessions incompatible with the rights of the proprietaries of Pennsylvania, the deputies returned without having made any agreement. In the succeeding October a party of Marylanders, to the number of sixteen, under the direction of one Richard Lowder, broke into the jail at Lancaster, and released the rioters who had been apprehended by the sheriff, among whom was a brother of their leader. Fortunately, when indignation was prompting the inhabitants on both sides of the line to further breaches of the peace, an order of the king in council, on the subject of the boundary, induced both parties to refrain from further violence, to drop all prosecutions, and to discharge their respective prisoners on bail.

This order was made on the report of the "committee on plantations," of the eighteenth of August, 1737, and required the governors of the respective provinces effectually to check the disturbances on the borders, and to refrain from granting lands in dispute, even in the territories, until the king's pleasure should be further known.

* 1737.

## CHAPTER XII.

George Thomas governor····Disputes on the Maryland boundary····Andrew Hamilton's address to the assembly····His death and character····Land office····Irregular settlements ····War with Spain····Governor Thomas' military efforts ····Disputes with the assembly····Forces required from the province····Embarrassment of the assembly····Number of troops furnished····Enlistment of servants····The merchants urge the assembly to contribute to the war····Money granted····Declined by the governor, who sends troops to the West Indies····George Whitfield····Governor recommends armed vessels····Limitation of exports····Departure of Thomas Penn····Election····Governor reproves John Kinsey, speaker of the assembly····Benevolence to the king···· Passengers····Lazaretto····Violent disputes between the governor and assembly····John Wright····Election proceedings····Riot····Reconciliation····War with France····Military association formed by Franklin····Indian skirmish···· Murder of Armstrong····Treaty at Lancaster····Enterprise on Louisburg····Shawanese Indians····French intrigues···· Measures of governor Thomas····Proposed attempt on Canada····Death of John Penn····Governor Thomas returns to Europe····His character and administration.

George Thomas, esq. a planter of Antigua, was appointed governor of the province and territories in 1737, but his assumption of the office was delayed by the remonstrance of lord Baltimore against the right of the proprietaries to the lower counties. He met the assembly of the province on the sixth of August, 1738.

The order of the king, relative to the Maryland boundary, proving ineffectual, and mutual complaints continuing to be made, the proprietaries of both provinces entered into the

following agreement, which was confirmed by the king, and made an order of council. 1, That the order of 1737 should be enforced, except as to the territories. 2, That the respective proprietaries should hold and exercise jurisdiction over the lands occupied by themselves and tenants at the date of the agreement, though such lands were beyond the limits, therein after prescribed, until the final settlement of the boundary line; and that the tenants of the one should not attorn to the other. 3, That the vacant lands contested, on the east side of the river Susquehannah, north of a longitudinal line drawn fifteen and a quarter miles south of Philadelphia, and on the west side of the river by a like line, fourteen and three quarter miles south of Philadelphia, should be subject to Pennsylvania; and the vacant lands south of those lines, to Maryland, without prejudice to the rights of either party. 4, That within these limits the respective parties might grant lands, being responsible for encroachments on each other's rights. 5, That prisoners apprehended for border riots should be discharged on their recognisances, to submit to trial when required by the crown.

At the close of August, Andrew Hamilton took his leave of the assembly and of public business. His valedictory was delivered from the speaker's chair, which he had filled during many years with distinguished ability. His view of the constitution, and political state of the province, merits a place in Pennsylvania history.

"It is not," said he, "to the fertility of our soil, and the commodiousness of our rivers, that we ought chiefly to attribute the great progress this province has made within so small a compass of years, in improvements, wealth, trade and navigation; and the extraordinary increase of people who have been drawn here from almost every country in Europe. A progress which much more ancient settlements on the main of America cannot, at the present, boast of. No. It is principally, and almost wholly, owing to the excellency of our constitution, under which we enjoy a greater share both of civil and religious liberty than any of our neighbours.

"It is our great happiness, that instead of triennial assem-

blies, a privilege which several other colonies have long endeavoured to obtain, but in vain, ours are annual; and for that reason, as well as others, less liable to be practised upon, or corrupted, either with money or presents; we sit upon our own adjournments, when we please, and as long as we think necessary, and are not to be sent a packing in the middle of a debate, and disabled from representing our just grievances to our gracious sovereign, if there should be occasion, which has often been the hard fate of assemblies in other places.

"We have no officers but what are necessary; none but what earn their salaries, and those generally are either elected by the people, or appointed by their representatives.

"Other provinces swarm with unnecessary officers, nominated by the governors, who often make it a main part of their care to support those officers, notwithstanding their oppressions, at all events. I hope it will ever be the wisdom of our assemblies to create no great offices or officers, nor indeed any officer at all, but what is really necessary for the service of the country, and to be sure to let the people, or their representatives, have at least a share in their nomination or appointment. This will always be a good security against the mischievous influence of men holding places at the pleasure of the governor.

"Our foreign trade and shipping are free from all imposts, except those small duties payable to his majesty by the statute laws of Great Britain. The taxes which we pay for carrying on the public service are inconsiderable; for the sole power of raising and disposing of the public money for the public service is lodged in the assembly, who appoint their own treasurer, and to them alone he is accountable. Other incidental taxes are assessed, collected, and applied by persons annually chosen by the people themselves. Such is our happy state as to civil rights. Nor are we less happy in the enjoyment of a perfect freedom as to religion. By many years experience, we find that an equality among religious societies, without distinguishing any one sect with greater privileges than another, is the most effectual method to discourage hypocrisy, promote the practice of the moral virtues,

and prevent the plagues and mischiefs that always attend religious squabbling.(1)

"This is our constitution, and this constitution was framed by the wisdom of Mr. Penn, the first proprietary and founder of this province, whose charter of privileges to the inhabitants of Pennsylvania will ever remain a monument of his benevolence to mankind, and reflect more lasting honour on his descendants than the largest possessions. In the framing of this government, he reserved no powers to himself or his heirs to oppress the people; no authority but what is necessary for our protection, and to hinder us from falling into anarchy; and, therefore, (supposing we could persuade ourselves that all our obligations to our great lawgiver, and his honourable descendants, were entirely cancelled, yet) our own interests should oblige us carefully to support the government on its present foundation, as the only means to secure to ourselves and posterity the enjoyments of those privileges, and the blessings flowing from such a constitution, under which we cannot fail of being happy if the fault be not our own."*

The proprietary land office had been closed from the year 1718 to the year 1732, during the minorities of Richard and Thomas Penn; and warrants and patents, the usual muniments of title, were not issued by the commissioners of property, but tickets signed by one of the commissioners, or by the secretary of the land office, were substituted. Emigrants seated themselves without title, and in many instances without a ticket, upon such vacant lands as they found convenient. The number of settlers of this kind entitled them to great consideration. Their rights, accruing by priority of settlement, were recognised by the public, and passed, with their improvements, through many hands, in confidence, that they would receive the proprietary sanction. And the practice of the land office, when opened, giving preference to actual settlers, confirmed this expectation. Great agitation was therefore produced by a proprietary proclamation, of Novem-

(1) See Note K 2, Appendix. * Votes.

ber, 1738, requiring this class of settlers, and those who had obtained warrants, but had not paid for them, before the first of March next ensuing, to pay to the receiver-general the sums due for their lands, under the penalty of ejectment. This penalty could not be exacted. The actual settlers, by themselves, their friends and vendees, were too strong to be forcibly expelled, nor had the proclamation issued in expectation of this result. The very denial it contained of the settler's right was pregnant with an affirmative, admitting his title subject to the payment of the purchase money, and reducing the proprietary claim to a demand in debt. The settler's title, so burthened, has been since sustained by the statute laws, and the decrees of the courts, under the name of "pre-emption right." The landholders, however, alarmed by the proclamation, petitioned the assembly to intercede with the proprietaries for further time for the payment of their purchase money. This was granted, on the promise of the house, to pass any act that should be necessary to prevent future intrusions. But this promise having never been redeemed, and the warrantees still procrastinating their payments, the proprietaries resorted to vacating warrants, invalidating former grants, and directing a survey of the land to the new warrantee. But it is doubtful whether these warrants ever issued adversely. Cases of compromise are frequent.*

A quarrel between Great Britain and Spain had grown up in the year 1737, on account of injuries committed by the Spaniards, on the English cutting logwood at Campeachy, and gathering salt at Tortugas. The Spaniards not only denied these privileges to the English, but they claimed and exercised, with insolence and cruelty, the right of searching the English ships for contraband goods. Their claim to this right was in some measure justified from the illicit commerce of the English with the Spanish main. Open war was awhile prevented by a convention extremely unpopular in England, concluded in January, 1738; but its terms not having been

* Votes. Smith's Laws of Pennsylvania.

observed by Spain, letters of marque and reprisal were issued, and general preparations made for war, which was finally declared on the twenty-third of October, 1739.

Before the declaration of war, governor Thomas endeavoured to stimulate his people to active measures of defence. To the instances of the governor, the assembly pleaded their charter and their consciences. They admitted that the majority of inhabitants were not now conscientiously opposed to war; yet they could pass no law for military purposes, as an act constraining the Quakers to bear arms would violate the constitution and persecute that people; and to exempt them, would be equally inconsistent with their principles, and partial with regard to others. The governor, they said, as the substitute of the captain-general, had authority, without the interposition of the legislature, to organize the forces of the country from such as felt it a duty to fight, and after the practice of former governors, otherwise provide for the public defence, being unrestrained, except by the laws relating to liberty of conscience. This ready concession of an authority to the executive, which had been hitherto strenuously denied to all the governors antecedent to Keith, is to be ascribed to the great increase of a warlike population.

Had the governor used this conceded power to organize a militia, and to supply the demands of the crown, the requisite pecuniary aid would have been furnished by the assembly in the form of a benevolence to the king. He chose, unfortunately, to run a tilt with the religious opinions of a people who measured their merit by the extent of suffering for conscience sake. He laboured to convince them that their principles were inconsistent with the existing state of the world, and would lead to the loss of property, liberty, and life. He proposed to commute military service for money, pursuant to the practice, as he alleged, of the Quakers in Great Britain, and denying his authority to command the army, to be sufficient to compel the people to provide arms, to learn their use, and to obey their officers; he relied on Penn's acceptance of his charter, granting this power to him and his heirs, as conclusive of the necessity and propriety of bearing arms

in defence of the government. He commended their pious trust in the Deity; but derided the hope, which was unsustained by their own exertions, as the folly of the mariner who slumbered in the storm, with his sails unfurled, because the Lord had power to still the raging waves.

The reply of the assembly is remarkable for its half-repressed temper, the flashes of spirit which occasionally break forth in their view of the state of the province, in reference to the enemy, and the mixture of worldly reasons and religious lights, which, mocking at logic, enabled them to ridicule, irritate, and confound the governor. They deprecated a dispute with the governor, the consequences of which were more to be feared, than the dangers which impended over them. They regretted to have caused his lamentations over a country they were so much bound to regard; and that with all its advantages and powers of defence, it should become the prey of the first invader, by the religious principles of its representatives. A position not clear to their understanding, and they hoped mistaken. For, if it were populous, and capable of defending itself, that capacity was unrestrained, *and want of inclination to exert its power*, and not the opinions of its representatives, must subject it to an invader. They were protected, they said, by many natural advantages: their city was on a river of difficult navigation, far distant from the sea, and from thence not easily assailed; New Jersey covered them on the side of the ocean; New York and New England from the French; and Maryland, Virginia, South Carolina, and Georgia, from the Spaniards. In addition to these protections, they possessed a number of inhabitants equal to that of any other colony, disciplined in the art of war. And, beside these reasons for remaining quiet, it was not yet known that war had been declared. Why then should they only be solicitous about an event which might never happen? In answer to an assertion of the governor, that no purity of heart, nor principles, would protect them from an enemy, they answered, that from the Almighty Power which superintends the universe, religious principles, agreeably to his will, and purity of heart, even as

the world is at present circumstanced, might hope for protection; as he could turn the heart of man as he pleased, and would have spared even Sodom and Gomorah for the sake of ten righteous men. To an argument drawn from the punishment of criminals, they said that the difference was obvious, between killing a soldier fighting under a mistaken sense of duty, in obedience to the commands of his prince, and a burglar, who robbed, and would murder, to attain his ends, with a full knowledge that he was violating the laws, human and divine. They denied the inference drawn from the military powers given to Penn by the royal charter, and referred to the writings of that great man as conclusive against it. "They were not desirous," they continued, "to extend the words of that charter further than might be convenient, and beneficial to the inhabitants differing from them in religious persuasion; although it had been maintained that the crown, and consequently others duly authorized by it, might, in case of invasion, command men to muster at their own expense, and to face an enemy too, in time of danger. But, however this might be, there existed no doubt, but the people might do this voluntarily, which would be sufficient, when convinced that there was real danger."

Several other messages passed between the governor and assembly, in which he displayed much anger, and complained that his salary was withheld. The house replied, that their general practice had been to make the governor's support and other public business go hand in hand; and that, in some years, it had been longer deferred than in the present.

At length, information was received, that war had been declared, and that a fleet was equipped under admiral Vernon, against the Spanish West Indies, having on board a body of land forces, under Charles, lord Cathcart, and that further troops were to be raised in the colonies. That no particular quota had been fixed for Pennsylvania, as it was not adviseable to limit her zeal for the service; but her increased population being considered, it was not doubted but she would exert herself to the utmost, under the assurance that she could not render a more acceptable service to the crown, nor more

essentially promote her own interest. It was, therefore, expected that the assembly would provide victuals, transports, and all other necessaries, for the troops to be raised in the province, until their arrival in the West Indies, when the transports would be taken into the pay of the nation. By an accompanying letter from the duke of Newcastle, the governor was required, if he found difficulty in raising men, to permit major-general Spottswood, colonel Blakeny, or any person appointed by them, to beat up for volunteers, and to assist them to the utmost of his power.

The governor communicated these instructions to the house; and, to incite them to a liberal provision for the troops, he reminded them of the state of their treasury. He stated, that they had six thousand pounds interest money, with four thousand per annum, arising from the last paper money act, whilst the excise furnished sufficient to defray the annual charges of government.

The assembly, finding themselves relieved from a militia law by the king's instructions, fancied that his majesty had been yet more kind to them, and that the governor withheld from them a part of his instructions. A committee was appointed to request a view of the original letter, under a plea that such was the precedent on a former occasion of the like nature. He yielded to their wishes, protesting his right to refuse them; and, the instructions being found to agree with the copies, and no road being open, by which to escape from the main question, the house resolved fully and fairly to meet it. With a preface of ordinary professions of loyalty, they declared, "We have ever esteemed it our duty to pay tribute to Cæsar, and yield obedience to the powers God has set over us, so far as our conscientious persuasion will permit. But we cannot preserve good consciences, and come into the levying of money, and appropriating it to the uses recommended to us in the governor's speech, because it is in opposition to the religious principles professed by the greater number of the present assembly, who are of the people called Quakers."

Conceiving that the assembly laid much stress upon the words, "uses recommended to us in the governor's speech,"

Mr. Thomas instantly resolved, to prevent future equivocation, to require them to levy money, and appropriate it, according to the king's eighth instruction. Thus pressed, they determined to frame a bill, granting a sum of money to the use of the crown. But, before it was reported, a vague rumour of peace, and the state of the harvest, now fit for the sickle, induced them to adjourn.

The Pennsylvania quota of troops, proportioned to the whole number required from the colonies, was not more than four hundred men. Yet, by the exertions of the governor, and the officers to whom this service was entrusted, seven companies were raised in the space of three months. This alacrity to enlist, might be considered as evidence of want and discontent, or of extraordinary excitement on the part of the people. Yet there was nothing in this war to arouse a sober and reflecting population, like that of Pennsylvania; nor were they discontented or in want. Many of the recruits, so promptly obtained, were bond-servants, willing to exchange their service and freedom dues, for nominal liberty and soldiers' pay. The governor exercised more influence on this class, than became the first magistrate of the province, though not more than was permissable to an officer of the king, whose interest and loyalty were united in obedience to his sovereign.

The troops were to assemble at the capes of Virginia, by the middle of September; but no transports had yet been provided. Colonel Gooch, their commander, becoming impatient, the governor convened the assembly by an angry writ, and commanded them to proceed with their appropriation bill. But the house, reproaching the governor, for having ascribed their late adjournment to a want of loyalty, and for having encouraged the enlistment of servants, refused to grant any money, until those already enlisted should be discharged, and assurances given that others should not be engaged. But this was a condition not easily performed. Mr. Thomas had already, on the application of individuals, addressed notes to the military officers, requesting the discharge of servants, if they could be persuaded to return to their masters, and if the

public service would not be injured. Requests so qualified were not very effective; and, against measures of a more peremptory character, the governor urged his inability to dissolve the engagement between the recruit and the crown, to which all private contracts and obligations were subordinate; and he closed his reply with the following remarks. "I should be glad you would show your duty to his majesty, and your gratitude for the powers and privileges the people of your society enjoy here, more than in any other part of his majesty's dominions, by actions as well as words. If your principles are inconsistent with the end of government, at a time when his majesty is put under the necessity of procuring reparation for his injured subjects by arms, why did not your consciences restrain you from soliciting a station, which your consciences will not allow you to discharge for the honour of his majesty, and the interest of those you represent? For it is a piece of injustice for you to involve a people, of which you are not one-third in number, in the ill consequences that must attend a government under such a direction."

The assembly, having assigned as a cause of their inability to appropriate large sums to military purposes, the proprietary claims upon the treasury for the equalization of quit-rents, Thomas Penn instantly offered, on the part of the proprietaries, to postpone their claims until the revenue would discharge them, after provision had been made for his majesty's forces. But the house, denying the inference which had been drawn from their expressions, in relation to quit-rents, admitted their ability to give, to be equal to that of any of the colonies; but refused to make any appropriation until their grievances, arising from the enlistment of servants, were redressed; and threatened to apply to the throne for relief, to prevent the necessity of which, they solicited the influence of Mr. Penn with the governor. But he, unaffected by conscientious scruples, avowed his entire approbation of Thomas's conduct; and reproved their reluctance to assist the king and the nation, notwithstanding his majesty's confidence in their zeal, and the affectionate manner in which he had

demanded their assistance. A number of merchants and others, inhabitants of Philadelphia, went in a body to remonstrate with the assembly, on their neglect of the king's instructions. They reminded the house, that they were the representatives as well of those (much the greater number) who did not concur in religious opinions with them, as of such as were of their own faith, and they prayed, that they would not, in opposition to the laudable example of all the other colonies, draw down upon the whole province the just resentment of his majesty, and of the British nation. Before the house could well digest this remonstrance, and the reproof of Mr. Penn, they were assailed by an earnest supplication from four members of the council, entreating them seriously to weigh the consequences of their refusal to comply with the royal orders.

Pressed by the executive, the proprietaries, and the people, the assembly could no longer refuse to make an appropriation of funds, but they added conditions which rendered their grant nugatory. They directed a warrant to be drawn by the speaker upon the treasurer, for the sum of three thousand pounds, payable to commissioners, for the use of his present majesty, George the second, for such purposes as he should direct, when such commissioners should be satisfied that all the servants who had enlisted were returned to their masters without charge, and that no more should be enlisted; and if, within nine months, the king should not direct the appropriation of the money, it should be returned to the treasurer. They voted the enlistment of servants to be an unjust invasion of the properties of their masters, a discouragement to the importation of white servants, and a great hurt and grievance to the inhabitants of the province; and having addressed a petition and remonstrance to the throne, they adjourned, much against the wishes of the governor. As he was not at all disposed to comply with the conditions of the legislative grant, he raised funds by the sale of bills on the English government, and despatched the troops to the place of rendezvous.

The conduct of this assembly was approved by the people,

and all the members except four were returned at the next election. At its first session the house ascertained the number of servants who had entered the army to be about three hundred, for whom payment was immediately made to their masters by orders on the trustees of the loan office, amounting to more than two thousand five hundred pounds. Here, probably, would have terminated all altercation upon questions connected with the war, had not the governor again endeavoured to incite the house to military efforts.

The enemy kept several privateers off the coast, which cruised successfully against the colonial commerce. The governor recommended to the assembly to equip vessels of war, to grant a bounty for every enemy killed or taken, and to provide for the families of seamen killed or wounded in the service. The matter and manner of this proposition were alike offensive, and were intended to irritate the assembly, and to drive them to measures which would injure them with the ministry. The merchants, and others who had petitioned on a former occasion, presented, on this, a remonstrance, in which they accused the house of having disregarded their representations; and declared, that unless a due regard should be now shown to the safety of the province, they would apply to his majesty for relief. But unawed by this threat, the assembly voted the remonstrance, a high insult and breach of privilege, and meriting to be rejected; and resolved, that if the royal navy at Boston, New York, and in Virginia, were inadequate for the protection of the coast, little could be expected from them, situated so remotely from the sea, and unable to sustain the expense.*

The year 1740 is remarkable in the annals of Pennsylvania for the labours of the celebrated enthusiastic itinerant Whitfield. He landed at Lewistown in November, 1739, and soon after came to Philadelphia. His arrival disturbed the religious harmony which had prevailed since the time of Keith. He drew to himself many followers from all denominations, who, influenced by the energy of his manner, the

* Votes.

thunder of his voice, and his flowing eloquence, were ready to subscribe his unnatural and incomprehensible faith, professing their willingness to endure eternal damnation, that they might be for ever saved. His disciples were chiefly the illiterate and uninformed, who made up in zeal what they lacked in knowledge. Their number seems to have awed the journalists, who would not venture to correct the misstatements of his friends without an apology for interference. Like most reformers, he turned the force of his artillery against the amusements and pleasures of society. His attendant, Seward, audaciously closed the doors of the concert and assembly room, for which he was compelled to apologize. But he announced in the Gazette, that since Mr. Whitfield's preaching, the dancing school, assembly, and concert room had been closed, as inconsistent with the doctrines of the gospel; and though the gentlemen concerned, had broken open the doors, no company attended on their invitation. This boast appears to have been premature. For these amusements returned with the usual season for their practice.*

The clergy of the baptist communion were the most distinguished converts. By their horrible threats of eternal torments, their flocks, driven almost to phrenzy, expelled from their pulpit and society the reverend Ebenezer Kinnersly, distinguished as the associate of Franklin in his electrical experiments, the only man of their sect who opposed their wild extravagance.† His great offence was a sermon preached before his congregation, in which he endeavoured to lessen the influence of the terrorists, and to restore order and peace to the affrighted church.

Mr. Whitfield erected by subscription a large and commodious brick church, in Fourth street, Philadelphia, which was vested in trustees for the use of any preacher, of any religious persuasion, who might desire to address the citizens.‡

The war now located in the West Indies, occasioned great demands by friend and foe for provisions. To prevent the

* Franklin Gazette. † Du Simitiere MS. Franklin. ‡ Franklin.

supply of the enemy, an embargo was laid on all sorts of provisions in Great Britain and Ireland, and a bill interdicting their export, except to the British dominions, was introduced into parliament. But the zeal of governor Thomas had anticipated this measure in Pennsylvania, by proclamation, limiting the export of provisions to British ports. He endeavoured also to prevail on the assembly entirely to prohibit the export of wheat. The house not only refused his request, but intimated that he was fortunately protected by the king's proclamation, and act of parliament, from an inquiry into the legality of the restriction which he had himself laid upon commerce.

On the departure of Thomas Penn for Europe,* the assembly presented him an affectionate and conciliatory address, soliciting his future presence, or that of some other of the proprietaries, as a control upon the governor, and the safeguard of their constitution. He in return recommended to them, the defence of the province, in which they would have the aid of the governor, who, he said, had no views but the king's honour, and the security of their constituents.

At the election of this year the old members having been returned, they re-appointed the officers of the preceding year. John Kinsey, who had succeeded Andrew Hamilton, was elected speaker for the third time. When presented to the governor, the latter reproached him for his conduct at the head of former assemblies, and very ungraciously approved of his nomination. Kinsey made a formal report of this treatment to the house, which resolved, that his conduct was marked by fidelity and a due regard to the rights of the people; and that the governor's reception of the speaker and the house was unparliamentary, menacing, and destructive of the freedom of the legislature. At this session, the house, considering the taxes under which their fellow subjects in Great Britain laboured, and desirous to show their own unwillingness to bear a proportionate share of the public burden, were induced unanimously to pay the sum of three thousand pounds for the

* August.

use of the crown, by their agent at London, into the exchequer.

The crowded state of the passenger ships from Ireland and Germany, sometimes engendering pestilential fevers, had early invited the attention of the legislature. The landing of infected passengers in the city was forbidden; but ample provision was not made for the sickly emigrants. Governor Thomas had frequently recommended to the assembly to build a lazaretto, but they had hitherto pleaded their poverty. Dr. Græme, the port-physician, whose duty it was to visit all unhealthy vessels, having resigned his office, in consequence of the refusal of the assembly to pay his account, was succeeded by Dr. Zacharry Lloyd, by the appointment of the assembly. A virulent dispute was engendered by the governor's denial of the right of the house to appoint this officer; and, during the contest, the duties of the place being neglected, a contagious distemper, attended by great mortality, was introduced into the city, from some vessels having German passengers on board. This afflicting dispensation was charitably ascribed by the governor and assembly each to the other, by having suspended or impeded the duties of the port-physician. Both parties made the dispute a mean for flattering the Germans, whom they proclaimed to be an honest and valuable portion of the population: all fears of foreigners had faded away; and each charged the other with the hostility which both had displayed against foreigners generally. The Germans now formed a large proportion of the landholders of the province; and, what was at present more to the purpose, a large proportion of the voters, who must determine the character of the next assembly. From this dispute grew the determination of the house to establish a lazaretto. An island, subsequently called Province island, a valuable tract of three hundred and forty-two acres, situated at the confluence of the rivers Delaware and Schuylkill, was purchased. The property was vested in trustees, who were created a board of health, with the necessary powers to prevent the approach of sickly vessels to the town, and to retain diseased passengers until convalescent. The expense incurred was chargeable on the im-

porter, to whom recourse was given against the effects of the passengers.

The quarrel between the governor and assembly became uncontrollable, either by official forms or a sense of public decorum. Charges of untruth, imposture, hypocrisy, tyranny, and faction, disgraced the addresses of the one, and the replies of the other. The governor, having lost all hope of convincing the house, or reforming its conduct, wrote messages only to open the eyes of its deluded constituents; whilst the house charged him with the design of subverting the liberties of the people. They found evidence in support of this allegation, in his correspondence with the ministry; copies of which had been procured and transmitted by the provincial agent. To obtain favour with the crown, and to protect himself against the remonstrance of the assembly, the governor had represented it as vain to hope for military aid from Pennsylvania, whilst the Quakers had the right of sitting in the assembly, and that body was empowered to dispose of the public money, and to meet and adjourn at pleasure. These privileges, he earnestly recommended, should be suppressed. He represented, that the Quakers, by the direction of the yearly meeting, had been unusually active in procuring seats in the assembly; and that, of thirty members, three only were not of that sect. That they had abused the confidence of the Germans; had prejudiced them against the government, by inducing them to believe, that a mild militia law would reduce them to slavery, such as they had suffered under the German princes; that they would be impoverished by the expense, would be dragged from their farms, and compelled to build forts, in return for their admission into the province. He stated the province to be rapidly increasing in population, and its wealth to be ten thousand pounds in bank, and an annual income of seven thousand five hundred pounds, from the loan-office and excise. He portrayed the conduct of the assembly in the darkest colours, and expressed a wish to resign as soon as he could safely transport himself and family to England.*

*Governor Thomas's letter, Oct. 20, 1740.

To these offences, the governor added, an unseasonable attention to the jealous inquiries of the mother country into the laws, manufactures, and trade, of the provinces, which might, in any way, affect herself; and informed the ministry, that the colonists, by means of their imported servants, who were chiefly tradesmen, were enabled to conduct many species of manufactures at cheap rates, interfering directly with the trade of England.

Party contentions effectually impeded the public business. The governor's salary remained unpaid until its arrears amounted to fifteen hundred pounds; and no law had been sanctioned by the governor, since the refusal of the assembly to provide funds for the West India expedition. And, though the house offered "so far to overlook the asperity of his last message, and the repeated indignities thrown upon them, as to make further provision for his support," on condition that he gave his assent to their bills, yet the governor declined to consider them until he should be released from all undue influence, by the payment of the customary allowance. The house, refusing to confide in him, adjourned without day. Among the measures, to sustain himself and party, now resorted to by the governor, was the removal from office of such persons as were opposed to his views: a precedent too closely followed by the governors of Pennsylvania under every constitution; and which, in too many instances, has sacrificed all sense of meritorious service, ability, and purity of character, to the miserable cravings of needy partisans. In a popular government, offices are created for the public benefit; the incumbents are the mere instruments, by which the body politic operates. To reward party services by the appointment to office, is to incite men to form parties for the sake of office only. And the choice of the executive, having power to remove his opponents from office, and to appoint his friends, must always be questionable as to its purity and propriety.

Among the victims of governor Thomas' intolerance, was John Wright, of the county of Lancaster, distinguished by his good sense, and the mildness but firmness of his temper. He had been many years a member of the assembly, was a

justice of the peace, and president of the common pleas. Having learned the intention of the governor to remove him, he attended the May session of the court, and before the publication of the new commissions, delivered his charge to the grand jury, in which he remarked, "I was always a friend to power, well knowing that good and wholesome laws, duly executed, are so far from being a restraint upon true liberty, that they are only as regulating springs to the passions, and productive of it. And our worthy founder and first proprietary tells us, that he composed his frame of government with a view to support power in reverence with the people, and to secure the people from the abuse of power; and these two are generally seen to attend each other, as causes and effects. And a noted professor of the law* in this province some years ago, when he espoused the cause of liberty, and, loaded with age and infirmities, took a long journey in defence of it, has these words on power: 'It may justly be compared to a great river, which, while kept within due bounds, is both beautiful and useful; but, when it overflows its banks, is then too impetuous to be stemmed, it bears down all before it, and brings destruction and desolation where it comes.'

"If, then, these are the ill effects of lawless power, every wise man ought to be on his guard to prevent them, by keeping up the banks of liberty and common right, the only bulwark against it.

"It was in defence and support of this great bulwark, against the attempts of power, under a pretence of serving his majesty, but done in such a manner as, I apprehend, cannot be supposed ever intended or expected by our most gracious sovereign, whose distinguishing character is to protect, and not to oppress; and whatever burden the necessity of the times requires to be laid upon the subjects under his immediate and just administration, is laid equally and impartially: I say it was to the opposition given by the house of representatives to the manner in which these attempts were made, and the just concern and dislike showed thereto, that we may impute the late changes made in the commissions of the peace,

* Andrew Hamilton, on the trial of Zengar, at New York.

throughout the province, whatever other pretences they may be glossed with.

"For this cause, my friends and countrymen, for the cause of English liberty, for the standing in the civil defence of right and property, are we dismissed; and I rejoice, and am heartily glad, that I have been one of those who are thought worthy of displeasure."

"And now to conclude, I take my leave in the words of a judge in Israel. 'Here I am, witness against me; whom have I defrauded; whom have I oppressed; or, of whose hands have I received any bribe to blind my eyes withal? and I will restore it.'"

The zeal and labours of the two parties were quite equal to the theatre on which they acted, and to the importance of the subjects contested. Both looked with anxiety and hope to the approaching election, and engaged earnestly in the preparatory canvass. The Quaker, or country party, had their chief strength in the counties, whilst the *gentlemen's* or governor's party mustered theirs from the city. The leaders of the former were the members of assembly and principal Quakers. Among them we discover the names of Kinsey, the speaker, Roberts, Lloyd, Preston, the treasurer, Wharton, Pemberton, Lownes, Meredith, Norris, Hudson, Fisher, Evans, Mifflin, Griffits, and Warder. On the adverse party were ranged the governor, Clement Plumstead, the mayor, William Allen, the recorder, Tench Francis, the attorney-general, Turner, and most of the city aldermen, and magistrates of the county. The greatest interest was excited in the county of Philadelphia, where the strength of the parties was more equally divided.

The votes of the whole county of Philadelphia were given at the court house, in Market street; and on the morning of the first of October it was requisite that the inspectors of the general election should be chosen by acclamation. The country party collected their friends, and especially the Germans, to the number of a thousand, on the eve of the election day; and their leaders convened at the house of Hugh Meredith, to nominate their candidates for inspectors. The go-

vernor's party proposed to this convention, an equal division of the inspectors, but this offer was refused on the supposition that it was dictated by weakness, and the country party could not discover that they possessed the right to dispose of the votes of the people. But as they had ascertained that the "gentlemen" dreaded the violence of the Germans, many of whom, being aliens, might be irritated by their rejection at the hustings, they resolved, in order to prevent tumult, that every appearance of force should be forbidden, and that even those of their friends who wore canes should leave them at home. Early on the morning of the election day a party of sailors, about seventy in number, strangers, from on board the ships in the harbour, marched through the streets in a riotous manner. Many of the inhabitants, apprehensive that these sailors would disturb the peace at the election, applied to the magistrates to take precautionary measures. But their suggestions were coldly received, and the presence of the sailors on the election ground was affirmed to be as justifiable as that of the alien Germans; and the recorder intimated that the country party might condemn themselves for any violence that might occur as consequential to their refusal to compromise the election of inspectors. The electors having assembled, proceeded to choose the inspector. William Allen was first proposed, and rejected; and Isaac Norris was elected. At this moment the sailors, headed by captains Mitchell and Redmond, marched up through the Jersey market, and assaulted the freeholders with bludgeons, knocking down all who stopped their way, not sparing the magistrates, who endeavoured to check their progress. Having cleared the ground, they retired. But when the poll was opened for the general election they returned, forcibly possessed themselves of the stairs leading to the hustings, beating and wounding those of the country party who withstood them. The forbearance of this party being at length overcome, they seized the first weapons at hand, drove the sailors to their ships, capturing about fifty of them, who, with the leaders, Mitchell and Redmond, were committed to prison. The election, which was not further interrupted, terminated in the triumph of the

country party, who returned the members of the former house without exception.*

Upon an investigation before the assembly into the circumstances of this riot, there arose violent presumptions, that it was excited by the "gentlemen's party." The threats of their active partizans before the affray began; the indifference of the mayor and recorder, aldermen and magistrates, who were of their party, to the conduct of the sailors in the morning, and upon the election ground; the fact that some unknown persons had, the night preceding, engaged the sailors to appear at the hustings against the Quakers; the well accredited reports, that money had been promised them, and had been advanced to them in the prison, with other circumstances, impressed the assembly with the conviction that these strangers had been engaged by the governor's party. An address was sent up to governor Thomas, praying him to charge the supreme court with the trial of the mayor, recorder, and other city officers, who would, otherwise, in the usual course, be brought before the mayor's court, of which they were members. The governor refused, under the pretence that the latter had exclusive jurisdiction of offences committed in the city of Philadelphia. The assembly referred the question of jurisdiction to their speaker, whose opinion that the power of the two courts was concurrent, they adopted, and embodied in a resolution, censuring the chief officers of the police for gross neglect of duty: being as far as the *direct* evidence before the house would warrant them to proceed.

Both parties at length grew weary of an unprofitable contest, and the governor, who daily felt more sensibly the withholding of his salary, made advances towards reconciliation, and expressed his wish that the house would deserve the name which the hopes of all good men had given it, of the healing assembly. His ready sanction of several bills sent up was followed by an appropriation of fifteen hundred pounds for his use; and thus was terminated a long and acrimonious dispute. The triumph of the assembly was complete.

* Votes.

They had taken no step of a military character, nor made any gift of money inconsistent with their principles. They had preserved the reputation of loyalty by paying to masters of enlisted servants a compensation for their loss, and by liberal donations to the crown, amounting, together, to near six thousand pounds; and, though in the protracted discussion of the governor's measures, they had entered more minutely into the consideration of the number of troops demandable from the province, than was consistent with their pacific principles, and at times were disposed to trust more to their local situation than to their faith, against the ravages of war; yet these views may be ascribed more to the ardour of debate, than to doubts of the effects of their creed, or their wishes to propitiate their constituents. If the members of assembly were conscientiously scrupulous against yielding military aid, they were alike scrupulous not to check the efforts of others. The exertions of the province were conclusive upon this subject. She had raised eight full companies of men, and had furnished transports and provisions in abundance; and though the governor might complain of the assembly, he had no cause to reproach the indifference of the people; their efforts gave full effect to his wishes, and placed him as high in the esteem of the ministry as he had reason to anticipate.

A masked and indirect war had been, for some time, carried on between France and Great Britain; and hostilities were openly declared, by the former on the twentieth, and by the latter on the thirty-first of March. This event required new military energies from governor Thomas. But, instructed by experience, he conducted himself temperately toward the assembly, and no longer sought to bear down their opinions by heat and arrogance, but laboured to supply those things which their religious opinions forbade them to furnish. He commanded, by proclamation, all the able-bodied inhabitants to prepare arms, and commissioned officers, and appointed days for training. In these matters he was uninterrupted by the house; which, satisfied with being permitted to act consistently with their sense of duty, were not disposed to inquire with unnecessary strictness into the manner in which he performed his.

The exertions of Franklin, on this occasion, contributed greatly to the security of the province, and to the preservation of harmony between the executive and assembly. He published a pamphlet, entitled "Plain Truth," exhibiting in strong lights the helpless state of the province, and the necessity of union and discipline. Calling a meeting of the citizens, he laid before them a plan for a military association: twelve hundred signatures were immediately procured, and the volunteers soon amounted to ten thousand, armed at their own expense, and officered by their own choice. Franklin was chosen colonel of the Philadelphia regiment, but, declining the service, alderman Lawrence was elected on his recommendation. By Franklin's means, also, a battery was erected below the city, from funds raised by lottery, in which Logan and many other Quakers were adventurers. Logan, who was not scrupulous in relation to defensive war, directed what ever prizes he might draw should be applied to the service of the battery.*

These military preparations were necessary to intimidate a foreign enemy, and to curb the hostile disposition of the Indians, which had been awakened by several unpleasant rencontres with the whites.

In 1742, a party of Indians, consisting of twenty-one Onondagoes, and seven Oneidas, under the command of a captain of the former nation, made an excursion against the Tallapoosas, resident in Virginia. They left their canoes at Harris's landing, on the Susquehannah river, and, procuring a pass or letter of protection, from a magistrate of Lancaster county, travelled peaceably through the province, obtaining supplies of provisions from the inhabitants. They were directed to obtain a renewal of their pass from the civil authorities in Virginia, after they should cross the Potomac, but this they found impossible, being unable to make themselves understood. The country through which they travelled, afforded little game, and the inhabitants refused them the means of sustenance, yet they pursued their way in despite of their suf-

* Franklin Mem.

ferings from hunger, and the interruptions of the whites, who were jealous of their intentions. At length, near James river, a considerable number of English, having ascertained their force from a hunter, who had approached them in the woods, pursued and fired upon two boys, who brought up the Indian rear. The Indian chief, desirous of a parley, forbade the return of the fire. But, receiving a second round from the whites, which killed two and wounded several of their number, the Indians threw down their bundles, fired their muskets, and rushed upon their assailants, killed ten of them, and put the remainder to flight. The slaughter would have been greater, had not the chief checked the pursuit. From the diminution their force had sustained, the Indians deemed it prudent to abandon their enterprise. They returned by a different route, having despatched a messenger to Onondago, to relate the news, and to charge their nation not to revenge their loss, unless they should themselves be attacked.*

This affair caused great alarm in Virginia, Maryland, and Pennsylvania. On the eve of a war with France, the alienation of the Indians was greatly to be dreaded; and their proneness to revenge scarce left a hope that they would remain quiet under so fatal an insult. Governor Thomas despatched a messenger to Conrad Weiser, the provincial interpreter, commanding him to proceed to Shamokin, to renew the assurances of friendship, and to propose his mediation between the Indians and the government of Virginia. Happily this attention induced them to hold a treaty the ensuing spring, and to refrain from hostility in the meantime.†

In the interval, new causes of uneasiness arose, in which the province was more specially concerned. John Armstrong, a noted Indian trader, and his two servants, were murdered by an Indian of the Delaware tribe. The murderer was delivered up by his nation, and imprisoned at Lancaster, whence he was removed to Philadelphia, lest he should escape, or his trial and execution should produce an unfavourable impression on his countrymen about to assemble, for a conference with

* Gazette. Votes. † Ibid.

the whites, at the former place. The governor also required that the property of the deceased should be returned to his family; and he invited a deputation to attend the trial of the Indian, and his execution, should he be found guilty.

The conference at Lancaster was attended by the governor himself, in person, and by the agents of Virginia and Maryland. All matters of dispute between the parties were satisfactorily settled. The Indians engaged to prevent the French, and the Indians in their alliance, from marching through their country to attack the English settlements; and that they would give the earliest information they received of the enemy's designs; and, in consideration of four hundred pounds, they recognised the title of the king to the colony of Virginia, as it was then, or should be, afterwards, bounded. The favour of the Indians was not obtained gratuitously. Pennsylvania presented them with three hundred pounds currency; Maryland, one hundred pounds; and Virginia, two hundred pounds, with the addition of a promise to recommend the Six nations to the consideration of his majesty. But this conference did not remove causes of future disquiet. These lay in the encroachments of the settlers, and in the conduct of the traders; who, in defiance of the laws, carried spirituous liquors to the Indian wigwams; and, taking advantage of the inordinate passion of the savage for this poison, cheated them of their skins, and their wampum, and debauched their wives. "Is it to be wondered at, then," said governor Thomas, "if, when the Indians recover from their drunken fit, they should take severe revenge?" Or would it have been a matter of surprise, had they charged on the whites, in the aggregate, the vices of individuals, and sought vengeance on the nations whose citizens daily assumed their soil, and destroyed the best of their people.

Governor Shirley, of Massachusetts, having conceived the design of attacking the French settlements at Cape Breton, and the conquest of Louisburg, its capital, endeavoured to enlist the other colonies in the enterprise. The capture of this place was an object of the first importance. It was the largest and most commodious position of the French in Ame-

rica, affording safe harbourage for their largest vessels, and a place of rendezvous for their numerous privateers, now infesting the western shores of the Atlantic. As the design originated with the people of New England, and had not been sanctioned by the crown, commodore Warren, the English commandant on the American station, declined to join Shirley in the attack. And the assembly of Pennsylvania also refused their assistance, alleging that the other colonies had not been consulted upon the design, or the manner of its execution: that, in case of success, the honour would be chiefly ascribed to Massachusetts, whilst the shame of defeat might be more equally distributed. They urged, also, the uncertainty of the aid or approbation of the crown, and the possibility that the enterprise would interfere with the views of the British ministry.

The plan having been communicated to the British government, was warmly approved. Warren was commanded to repair to Boston, and to render all possible aid to the views of Shirley. He did not arrive, however, until after the provincial fleet had sailed with six thousand men, commanded by Mr. Pepperel, a trader of Piscataqua. The application to Pennsylvania was renewed by Shirley and Warren. But the assembly, though unable longer to doubt the approbation of the king, resolved to consider the enterprise as a private one, until they should receive instructions from the ministry. This covert served them for a short time only. The duke of Newcastle's letter arrived at the close of July, directing them to furnish men, provisions, and shipping, on the requisition of commodore Warren.

The governor and assembly now understood each other. The one knew he should in vain press any measure having the undisguised aspect of war. The other had discovered that their principles could be preserved from open violation, only, by free contributions of money; and they no longer hesitated to resort to the "only expedient hitherto found to remove the difficulties" arising from conscientious scruples; "that of demonstrating their loyalty and affection to the crown, by giving a sum of money to the king's use." They

resolved, therefore, to grant the sum of four thousand pounds to trustees, to be expended in the purchase of bread, beef, pork, flour, wheat, or *other grain*,* to be purchased in the province, and to be shipped for the king's service, as the governor should think fit.

The enterprise against Louisburg terminated honourably for those who had projected and executed it. After two months' siege, during which the provincial forces displayed courage, activity, and fortitude, that would have distinguished veteran troops, the town surrendered.† The English officers and historians have made a shameful effort to take from the colonies this early trophy of their spirit and capacity. Smollet is guilty of an equivocal statement of the facts by which Warren is brought on the scene before the departure of the provincial troops from Boston, when in truth they sailed without any expectation of his assistance, having a knowledge of his refusal to join them. The British ministry, though sufficiently forward to sustain the exclusive pretensions of their officers, was compelled by the merits of the provincials to distinguish their leader, Pepperel, with a baronetcy of Great Britain.

The Shawanese Indians, on the Ohio, who had long shown symptoms of disaffection to the English, and subserviency to the French cause, now openly assumed a hostile character. Peter Chartier, a half blood and trader, was a French spy, who dwelt chiefly in Philadelphia. In 1743 he endeavoured to engage the Shawanese in war with the Six nations. This offence was overlooked by the Pennsylvania government, from an apprehension that his punishment would serve as a pretext for violence to their traders; but being reprimanded by governor Thomas for some other impropriety, he became alarmed, fled to the Shawanese, and persuaded them

* Dr. Franklin assures us, that the words "other grain" were intended to cover the application of part of the money granted to the purchase of gunpowder; and that governor Thomas actually expended a part of it for this black grain, and was never accused of mis-appropriating the fund.

† Smollet. Memoirs of the late war in America. Hutchinson.

to declare for the French. Soon after, at the head of four hundred of their warriors, he lay in wait on the Allegheny river for the provincial traders, captured two of them, and exhibiting a captain's commission from France, seized their property to the value of sixteen hundred pounds.*

The policy of the French had been long directed to seduce all the Indian tribes from the English interest. Their efforts at this juncture upon the Six nations, produced great alarm in Pennsylvania. Commissioners were despatched to a convention at Albany, with presents to support their fidelity, but the officers who conducted the conference on the part of the English, were desirous to induce these nations to take up the hatchet against the French, and become parties in the war. They justified this barbarous policy by the example of the enemy, and the impossibility of restraining the Indians from blood, whilst they beheld it flowing round them; for, if not engaged by their friends, they would strike against them rather than not participate in the war; and they urged that the tomahawk of the savage had already been dyed in the blood of the border settlers in the neighbouring colonies, and that the prospect of indiscriminate massacre was opened along the whole frontier. But their instances were unavailing, as had been those of a like nature frequently made by New York and Massachusetts. The Six nations showed no disposition to engage in the contest. They felt their importance, and flattered themselves that they might incline the balance of power between the parties at their pleasure; but, they held it impolitic to turn the scale for either, for whilst they remained neuter, they were caressed and paid by both. If either obtained the sole possession of the country, they would cease to be considered, and finally would be compelled to submit to the will of the conqueror.

Governor Thomas prudently prepared to resist the inroads of the Shawanese, by organizing and disciplining the militia of Lancaster county, and despatching Conrad Weiser, the Indian interpreter, to the Delawares, at Shamokin, with or-

* Votes.

ders to watch the march of the enemy, and to attack him should he advance, and, if pressed, to fall back upon the frontier inhabitants for protection.

The assembly acquiesced in the military measures of the governor, except those for making the Indians parties to the war. This they earnestly and sincerely deprecated, whilst they professed their entire readiness to furnish money for further presents, should it be necessary to preserve the Indians faithful to the British crown.*

The ministry having resolved to attempt the conquest of Canada by a combined European and colonial force, forwarded their instructions to the provincial governors at the close of the month of May. In pursuance of these, Mr. Thomas summoned the assembly, and demanded funds to arm and support such forces as might be raised in Pennsylvania. The house did not object to appropriate money for this purpose, but on the plea of an exhausted treasury, they endeavoured to obtain the governor's concurrence in the increase of their paper currency to such an amount, that the sum they should give might be paid from the interest on the balance of the new emission in some stated time; but when satisfied that his hands were completely tied by the royal instructions, they voted five thousand pounds, in bills, redeemable from the excise in ten years. With this money the governor raised four companies, which he sent to Albany; a further expense of twelve hundred pounds in their equipment was subsequently paid by the assembly. Though the attempt on Canada was abandoned, the troops were retained nearly eighteen months at Albany, with the view of over-awing the Indians, and protecting the northern frontier; but they were maintained by the crown, the assembly of Pennsylvania refusing further contribution.

On the fifth of May, the governor communicated to the house the death of John Penn, one of the proprietaries, and his own resolution, on account of ill health, to resign the

* Votes.

government. His parting with the house was distinguished by mutual cordiality and respect.

Governor Thomas was active, industrious, and capable; attached to the province, but more devoted to the proprietaries and the king. In his zeal for his majesty, he overlooked the principles and character of the people he was called to govern. He believed himself sufficiently strong in polemical controversy, to shake the opinions for which their ancestors had broken the tender charities of kindred and country, and which they themselves cherished with enthusiasm. Failing in this, he endeavoured to intimidate men, who, though declining to exhibit military courage, were no respecters of persons, and had never displayed political cowardice. When experience had taught him properly to appreciate the Quaker character, and to determine how far, and in what manner, their loyalty could be shown, unchecked by their consciences, he drew from them, without difficulty, whatever he could in propriety demand. His moderation, and considerate forbearance towards the Quakers, during the latter years of his administration, were rewarded by the esteem of the people, and the confidence of the legislature.

Few laws of general nature were enacted during his administration. Three only merit particular attention: 1, An act extending the privilege of taking an affirmation instead of an oath, to persons not Quakers. This act was repealed by the king in council. 2, "An act for naturalizing such protestants as are settled or shall settle within the province, who, not being of the people called Quakers, do conscientiously refuse the taking of an oath." Prior to the act of 13 Geo. II., for the naturalization of persons settling in American colonies, aliens were naturalized in Pennsylvania by special bills. By that act it was provided, that all persons residing seven years in the colonies, taking an oath, or, if Quakers, an affirmation, of allegiance and abjuration, and professing the Christian religion as prescribed by the act of the first of William and Mary, should be considered as natural born subjects. The Dunkards, Moravians, and Menists, now numerous in the province, were excluded from the benefit of this act, by their scruples in

regard to oaths. For remedy of this, the above act was passed in 1742, when all parties were desirous to conciliate the Germans. 3, "An act for the speedy trial of capital offences committed by the Indians, in the remote parts of the province." This act empowered the supreme court, and the court of oyer and terminer of the county of Philadelphia, to try all such offences, as if they were committed in that county.

No laws were necessary to dispose of the funds of the province; a simple resolution of the assembly, only, was sufficient. This power they acquired by a clause inserted in the currency and excise bills, the effect of which seems to have escaped the notice of the governor, though it entirely excluded him from this important branch of legislative authority.

During the administration of governor Thomas (1742), a convention of deputies from the Six nation and Delaware Indians, was held at Philadelphia, for the purpose of terminating some dispute which had arisen between the latter tribe and the proprietaries, relative to a cession of lands. A tract, lying in the forks of the Delaware and Lehigh rivers, extending back into the woods *as far as a man can go in a day and a half*, denominated the *walking purchase*, had been sold to William Penn by the Delawares, in 1736, and confirmed by the same tribe by their deed, dated twenty-fifth of August, 1737. The lines of this purchase having been traced by very expert walkers, and, including more land than the Indians expected, increased the dissatisfaction which had prevailed among them in relation to the grant of 1736. The Indians complained that the walkers, who outstripped them, ran, and did not pursue the course of the river, as they anticipated. The chief, Nutimus, and others, who signed the treaty of 1737, refused to yield peaceable possession of these lands, and declared their intention to maintain themselves by force of arms. Under these circumstances, the proprietaries invoked the interposition of the Six nations, whose authority over the Delawares was well known. Upon this invitation, a deputation of two hundred and thirty from these powerful tribes visited Philadelphia, where they were met by dele-

gates from the Delawares, who had also been invited. Having heard the complaints of the governor against the latter, for their retention of the purchased lands, and their misconduct, in writing rude and abusive letters to the proprietaries, Canassatago, on the part of the Six nations, told the governor, "That they saw the Delawares had been an unruly people, and were altogether in the wrong: that they had concluded to remove them, and oblige them to go over the river Delaware, and quit all claim to any lands on this side for the future, since they had received pay for them, and it is gone through their guts long ago."* Then, in the tone of a conqueror and master, he reprehended the Delawares for their perfidy, and commanded them to remove, either to Wyoming or Shamokin, and forbade them to interfere in the sales of land.(1)

* Smith's Laws of Pennsylvania.

(1) See Note L 2, Appendix.

## CHAPTER XIII.

Presidency of Anthony Palmer····Insults from the enemy in the Delaware bay····Indian transactions····Military efforts ····Peace····Disputes between the council and assembly···· Governor Hamilton····Indians····Removal of settlers from unpurchased lands····French encroachments····Indian expenses····Dispute with the proprietaries····Death of John Kinsey····Benjamin Franklin member of assembly····Pennsylvania hospital····French proceedings on the Ohio····Assembly refer their consideration to the governor of New York····Paper currency····Imports and exports of Pennsylvania····Disputes between the governor and assembly on the money bills····Washington's journey to Venango····Instructions of the British ministry to the colonies····Conference with the Six nations at Albany····Lands purchased····Confederacy of the colonies proposed····Its fate····Subterfuge of the assembly to avoid military appropriations···Advance and defeat of colonel Washington····French remarks on his attack of Jumonville····The governor attempts in vain to obtain funds from the assembly····Resigns····Character of his administration····Laws enacted.

On the departure of governor Thomas, the government devolved on the council, of which Anthony Palmer was elected president. Deprived by law of legislative power, his duties were limited to the supervision of the affairs of the province, and the recommendation of such measures to the assembly as required pecuniary aid.

The unprotected state of the Delaware bay attracting the enemy's privateers, they captured many vessels; and, sometimes, ascending the river almost to Newcastle, their crews landed and plundered the inhabitants; and, contemning the peaceable disposition of the assembly, their commanders

threatened to assail the city itself. The assembly was urged in vain to adopt defensive measures. Resolute to maintain their principles, they extenuated the injuries done by the enemy, reiterated their own inability to defend the bay and river, and affected to rely upon the protection of the crown, of whose aid they feared to be deprived by demonstrations of their own power.

The propriety of even a defensive war greatly agitated and divided the people. The Quakers, the Moravians, Menenists, and Shwenckfelders, earnestly required the people to submit themselves entirely to the dispensations of the Deity, in whose hands they were; whilst the episcopalians, baptists, and presbyterians, as zealously advocated the necessity of employing those means of defence with which the Deity had already provided them. Both parties, the bellicose and anti-bellicose resorted to the press, which teemed with pamphlets in German and English on this subject. The clergymen from their pulpits taught the lawfulness of war, and excited the people to arm. Among the ministers, (shall we say of peace?) Mr. Gilbert Tennent was most distinguished for his zeal, learning, and industry. In three long sermons, from Ezra, xv. 5, "*The Lord is a man of war*," he sought to demonstrate, that war is approved by God, and discriminated such as received his approbation.*

To the danger of Indian hostility, the house continued highly sensible. Resisting every attempt to engage the savages in war, they endeavoured to render them impervious to French influence, by providing them with such necessaries as would render them content at home. It was no easy task to keep them at peace: they had to resist, not only the impetuosity of their youthful warriors, but the continued efforts of the New York and Massachusetts governors, who had wrung a reluctant assent from the elder chiefs of the Six nations to combat in the Canada expedition, from which they were deterred by evil omens, by the small-pox, and an epidemic fever, which made great ravages among them.† The

* Pamphlets. † MS. letter of Weiser to R. Peter.

Indians were well disposed to make the most of the fears of their good friends, the whites; and, by continual suggestions of their inability long to resist the French, who endeavoured to intimidate them by threats, and to seduce them by promises, they gave occasions for new conferences, which were always accompanied by presents. Distant and vagrant tribes, also, sent their ambassadors, proffering their friendship and soliciting the bounty of the province.

Some Indians, on the banks of the Ohio, connected with the Six nations, visited Philadelphia, to tender their homage, and to invite the province to send commissioners to a council fire, at which the neighbouring nations were to be present. Impressed with the importance of such a conference, the council invited the governments of Maryland and Virginia to send their agents, and to unite in preparing a suitable present. On the part of Pennsylvania, goods were provided to the value of one thousand pounds, and Conrad Weiser was selected as envoy. The instructions given to him display pretty fully the provincial policy at this time. He was charged to obtain a perfect knowledge of the numbers, situation, disposition, and strength of the Indians of the vicinity, whether friends, neutrals, or enemies; what reliance might be placed upon them to protect the province against the French; to learn the designs of the latter; to state the king's intention to send a large present, to be distributed at Albany, and that a fear lest their distance from that place, should prevent their receipt of a proper share of the king's beneficence, had partly formed the inducement of the present mission and donation. He was to represent in the strongest light the friendship and ability to assist them, which the English, especially the inhabitants of Pennsylvania, had ever shown; to expatiate on the ancient hostility of the French against the Indian nations, established by some recent instances, in Canada, of cruelties against Indian captives. But as the disposition of the assembly with regard to war was well known, and as they only could dispose of the public funds, he was not to urge the savages to hostilities, unless in defence of themselves; yet he was to take care that his exhortations to

peace should not cool their affections towards the English; but if he found them eager to become parties to the war, he was to refer them to the governors of New York and Massachusetts, to whom the conduct of the war had been confided. And lastly, he was instructed to inform them, that though the preliminaries of a general peace had been signed, yet the province had not forborne to send them a rich present.*

During this year, another treaty was made with the Twightees, a nation residing upon the Wabash; their chiefs representing twelve towns, which were desirous to enter into the provincial alliance.

The treaty of peace of Aix-la-Chapelle was not actually signed till the first day of October. It is not within the scope of this work to examine critically all the articles of this treaty, which did not increase the diplomatic honours of the mother country. We may, however, be permitted to observe, that the great object of the war was totally lost sight of; as the right of the British to navigate the American seas free from search, was altogether unnoticed. The island of Cape Breton, with Louisburg, its capital, so dearly purchased by provincial blood and treasure, was given up; and the Americans had great cause to condemn the indifference or ignorance which exposed them to future vexation and renewed hostilities, by neglecting to ascertain the boundaries of the French and English territories on the American continent.

The council and assembly, though mutually dissatisfied, had exhibited much forbearance towards each other. But when the executive duties of the former were about to terminate, they appealed to the public for its approbation of measures which they had recommended, but which the house had negatived. In this appeal they animadverted with much asperity on the refusal of the assembly to fit out a sloop of war, and provide for the general defence. That body made a long reply, rebuking the council severely, and charged them with perversion and calumny. A verbose and lengthen-

* Minutes of council. Votes.

ed quarrel was prevented, by council prudently declining to consider the reply of the house.

In the month of May, the city and the counties on the Delaware were thrown in great consternation by the arrival of a Spanish privateer, of fourteen guns. Mr. Palmer endeavoured to prevail on captain Ballet, of the king's sloop of war the Otter, then lying in port, to seek the enemy, but this vessel being unfit for sea, the captain refused to weigh anchor. Batteries were erected to defend the city, and Mr. Kinsey, speaker of the assembly, assured council of the disposition of the assembly to provide for such expenses as might be incurred for defence, though the expense might happen in such an instance as the assembly would not have advised. But these assurances did not give sufficient confidence to monied men, and council were unable to borrow the necessary sum to fit out a vessel to attack the enemy. The privateer approached sufficiently near to Newcastle to exchange a few shots with the town, and having remained in the bay several days, quietly got to sea.*

On the twenty-third of November, James Hamilton, son of Andrew Hamilton, returned from Europe, bearing the commission of lieutenant-governor.

The progress of the white population towards the west continued to alarm and irritate the Indians. The new settlers, impatient of the delays of the land office, or unable or unwilling to pay for their lands, or in search of richer soils, sought homes in districts to which the Indian title had not been extinguished. The intruders, consisting chiefly of Irish and Germans, seated themselves on the west of the Susquehannah, on the Juniata river, and its tributary streams, in the Tuscarora valley, in the greater and less coves formed by the Kittochtinny and the Tuscarora hills, and at the Big and Little Connolloways. These settlements were commenced in 1740, and rapidly increased in despite of the complaints of the Indians, the laws of the province, and the proclamations of the governor. The Six nations having consulted in council on this subject, sent a grand deputation from

* Minutes of council.

every tribe to Philadelphia, to present their remonstrances. The Senecas arrived first, and having been attentively heard, were dismissed, with a present of one hundred pounds, and with instructions, should they meet their compatriots, to report what they had done, and to persuade them to return. But the Senecas either did not meet the other deputies, or were unable to change their determination. They arrived soon after in the city, and after a short conference, were dismissed with a present of five hundred pounds. Upon their return, the effect of the rival attentions of the Europeans was plainly visible upon the Indians. Their respect for the whites was much diminished, and their conduct was marked with wantonness and insolence. They killed the cattle of the inhabitants as they passed, and mischievously wasted their orchards. Even the property of Conrad Weiser, who was personally known to, and esteemed by, them, was not respected by the Tortuloes; who were, on his complaints, driven off by the Seneca chiefs.* The depredations they committed along their route were repaired by the assembly, that the people, satisfied with their indemnity, might bear more patiently the insolence of their visiters.

The threats of the Indians to do themselves that justice they despaired to receive from the government, produced prompt and decisive measures. The secretary of the province, Mr. Richard Peters, and the interpreter, Mr. Weiser, were directed to proceed to the county of Cumberland, in which the new settlements lay, and to expel the intruders. They were joined by the magistrates of the county, the delegates from the Six nations, a chief of the Mohawks, and Andrew Montour, an interpreter from the Ohio. The commissioners met with little resistance in the execution of their duty, a few only of the settlers, under an apprehension of imprisonment, making a show of opposition. All readily entered into recognisance for their appearance at the next sessions, and many aided to reduce their own habitations to ashes in the presence of the magistrates and attendant Indians. Mr. Peters displayed on this occasion great prudence and humanity. To the needy

* C. W. Lett. 16th July, 1749.

he gave money, and proffered an asylum on farms of his own; and to all he granted permission to establish themselves on a tract of two millions of acres, purchased from the Indians on the east side of the Susquehannah, in the preceding year, for the proprietaries. But, notwithstanding this evidence of the resolution of the government, and the determination of the Indians, new offence was given to the latter, by new encroachments, within a few months.

The treaty of Aix-la-Chapelle, which in Europe was only a hollow truce, was scarce regarded by the French in America. Eager to extend their territories, and to connect their northern possessions with Louisiana, they had projected a line of forts and military positions from the one to the other, along the Mississippi and Ohio, and had commenced their erection at either end. They explored and occupied the land upon the Ohio, buried in many places through the country metal plates, with inscriptions declaratory of their claims to the river Ohio, and the lands adjacent to it, and its tributary streams.(1) They continued their threats and caresses towards the Indians, scattering liberal presents among them, and making preparations to compel by force what their kindness might not effect.

The enterprise, industry, and perseverance, of the French, were strongly contrasted with the coldness and apathy of the English, in their Indian relations. After the close of the war, in 1748, the constituted authorities of New York discontinued their attentions, even to those Indians they had prevailed on to take arms. They suffered the captives long to remain unransomed, and their families to pine in want, and utterly disregarded the children of the slain. Whilst the French, attentive to the vanity and interests of their allies, dressed them in finery, and loaded them with presents. Had they not endeavoured to convert them to the catholic faith, their influence would have been more efficient. For the Indians fancied that the religious ceremonies to which they were subjected, were arts to reduce them to slavery;

(1) See Note M 2, Appendix.

and, though some professed to believe, whilst their teachers were present, they scoffed at the doctrine when returned to their own firesides.* The French had, by this policy, succeeded in estranging the Indians on the Ohio, and in dividing the councils of the Six nations, drawing off the Onondagoes, Cayugas, and Senecas. Their progress with these tribes was rendered still more dangerous, by the death of several chiefs who had been in the English interest.†

On being advised by governor Hamilton of the French efforts, the assembly of Pennsylvania resorted to their usual mode of negotiation. Presents of condolence were prepared for the Six nations, on the death of their chiefs, and a large donation was forwarded to the Twightees, Shawnees, Delawares, and Oundats.

But the preservation of peace with the Indians having become extremely burdensome to the provincial treasury, the assembly required that the proprietaries should contribute to the payment of Indian expenses, as they were deeply and specially interested in keeping their back lands in the market, besides having a common interest in the general prosperity of the province. The refusal of the proprietaries to bear any portion of this burden must be ascribed to the most absolute selfishness. Almost every public treaty was followed by a bargain for lands; and, though the presents of the province were no part of the nominal price, yet it is easy to understand that they made a part of the actual consideration. The public donations allured the Indians to the conference, and qualified the terms of the proprietary bargains, and they tended to preserve the quiet of the border, and to push the settlers safely forward.

Previous to the year 1722, the Indian expenses had been inconsiderable, being limited, by law, to fifty pounds per annum. In that year, the expenses of governor Keith, at Albany, were paid by the assembly. But, in 1727, they refused to pay more than half the amount of an account of Conrad Weiser. In 1728, under an extraordinary alarm, the assembly, for the first time, undertook to pay, without limi-

* MS. Journals of C. Weiser. † Votes.

tation, the expenses of an Indian conference. Subsequently, similar charges were paid, sometimes in full, without objection, at other times by the half only. The sum now expended by the province exceeded eight thousand pounds, and the appetite for presents, which the Indians had acquired, was not easily to be satiated.

The proprietaries denied the justice of requiring from them any contribution towards the public expense, even though the people were taxed for the charges of government; and, as not a shilling was levied, there was less reason to ask any thing from them. "They had charged themselves, gratuitously," they said, "with much more than was due to the public interpreter, for his services in land treaties, and now maintained his son with a tutor in the Indian country, to learn their language and customs, for the service of the province, and they had expended much for the public service, both in Europe and America. All which being considered, and that they purchase lands from the Indians, and pay for them, and are under no greater obligation to contribute to the public charge than any other chief governor of a colony, they would have been pleased to have been saved the necessity of a disagreeable answer to an application on the subject." There is not much force in these arguments. If the people paid no tax for the support of government, it could not be pretended that the proprietary was at this charge. But the revenue was certainly derived from the people. The excise was a tax in form, and the interest upon the public loans was paid by the labours of the borrowers. Whatever may have been the sums paid by the proprietors to their interpreter, the province was not thereby relieved from similar charges. The attempt of the proprietors to assimilate themselves to other colonial governors, as an argument, was still more feeble. If other colonial chief governors had such interests as they possessed in the soil of their colonies, if they derived a daily increasing revenue from the sale of unsettled lands, if they were proprietaries, they would have like duties to fulfil. But if they were simply political agents, there was no parallel in their situations. For these reasons, the assembly persisted

in asserting their claim upon them for contribution towards Indian expenses.

The remonstrance of the assembly was sent to the proprietaries in August, 1751, but was not answered until May, 1753. The answer was feeble, but haughty, selfish, and disrespectful. They affected to consider the address as founded in the wish of the assembly to obtain favour with the people, and charged the house with having published it with that view on the eve of the election. "It therefore became their duty," they said, "to inform the people, through their representatives, that, as the consent of the proprietaries was necessary to their laws, the assembly would promote the welfare of their constituents by a due regard to the proprietaries, and their interests, for they should expect from the representatives of the people the respect due to the rank the crown had given them in Pennsylvania.* They regretted the necessity they were under to expose the state of the provincial revenue, since it would appear that six thousand pounds per annum were received, double the amount necessary for the expenses of the government, including the average sum paid for Indian expenses during the last twenty years. This sum could not be considered great, when compared with the benefits accruing to Great Britain from the Indian alliance, nor was it more than their family had paid in duties and excise during that time for the support of his majesty's government." They remarked in answer "to the unadvised statement of the assembly, that the family estate in America was exempt from the burdens borne by their fellow subjects in Great Britain, that it was impolitic to remind the people of England of that exemption; since it had already been proposed to tax North America; and the act of parliament, which taxed the proprietary estates, would reach those of the members of assembly, and their constituents." They refused to pay any specific portion of the public expense, but averred, that on a fair estimate of such burthens, and of the estates of themselves, and the inhabitants, it would be dis-

* The address of the assembly was informal in its style, at which the proprietaries took offence. T. Penn's letter to governor Hamilton.

covered that they had voluntarily paid more than their quota; in addition to which, Thomas Penn had sent four hundred pounds sterling in cannon for the defence of *their* city of Philadelphia. They declared that the assembly, if disposed, might relieve the people of one-half the excise, as the interest on the paper currency was sufficient to maintain the government, and that might now be increased by a new emission, required by the increased commerce; and for which they had given instructions to the governor. That, as the representatives were chosen annually, they might now be addressing other persons than those who had applied to them; but their answer was to the assembly. Those who had pressed this matter might have given place to others, more prudent; but at all events, they desired that the house, in any matter of the like nature, would be content with such answer as the governor was instructed to give them.

The authors of the Modern Universal History have said, that this answer was so conclusive, that the assembly, unable to reply to it, had ordered it, with all the introductory papers, to be laid upon their table; but they did reply to it, and how well the reader may determine. They admitted that the people were able to pay, but denied this to be a reason why they should pay unjustly. The proprietaries also were able to pay, yet that ability did not induce them to contribute a just proportion of the expenses. They denied that their application had been made with an electioneering design; such a measure was unnecessary, since, for many years, there had not been any contest between the proprietary and popular interests; nor had the first any formidable share of the people's affection; nor could the address of the assembly have been intended for the people, since it was not even now published, nor were the resolutions of the assembly relating to it published until after the election; nor did a seat in the assembly offer any inducement for the exercise of artifice to obtain it. But their chief governors had intimated in plain terms their disposition to make advantage of their place, and to require from the people a pecuniary consideration for facilitating the passage of the colonial laws, though their deputy was, and

ought to be, empowered to sanction all necessary bills. If such corruption existed, it must be discontinued, and they would rely upon the goodness of their sovereign for the final confirmation of their laws, and not go to market for them to a subject. The proprietaries' notice of matters relating to their interests was easily comprehended; but their reasons for reminding the people of their dignity were not so obvious. Had they been treated unsuitably to their rank? The remonstrance had been made to themselves, and was never published. It had been transmitted through the governor, and indicated the true interests of the proprietaries, which consisted in securing the affections of the people by just, equitable, and generous measures. The assembly too had a rank from the crown, which they held not by hereditary succession, but by the voluntary, unbribed, unsolicited choice of a free people. The regrets of the proprietaries in proclaiming the state of the provincial treasury were needless, and strange, since for thirty years past, the public accounts had been annually settled, and published by the assembly, and since there could be no cause of concealment of the provincial revenue, whatever reasons the proprietaries might have to conceal their own. The average of the Indian expenses on the last twenty years was unfair, since they were a growing charge, and had, during the last four years, exceeded twelve hundred pounds per annum; but, had the sum been small, that did not affect the justice of the case, and the proprietary portion would have been less considerable. The people of Pennsylvania also paid duty and excise for the support of his majesty's government, and other taxes, which, in proportion to their means, were equal to those paid by the proprietary family, or any subject of England; paying as much as an infant colony could bear, they believed the justice of an English parliament would never burthen them more. The exemption of the proprietary estate from colonial taxation had never been made public until now, and was used only as a private motive to themselves. If the proprietaries were, as they declared, ready to contribute to any public expense proper to be charged upon them, and the sums they

now paid voluntarily were greater than their due proportion, it was a matter of surprise, that they should decline an arrangement, which would save them money, and preserve harmony between them and the people. They repelled indignantly the charge of having neglected to defend the *proprietaries' city of Philadelphia;* for, though their principles forbade them to provide cannon, they had appropriated large sums to his majesty's use; and though the defence of the city was more the interest, they would not say duty, of the proprietaries than of any one else, they had not only neglected, but had discouraged, the providing of cannon, and suffered the city and country to be put in a state of defence by the liberality of private individuals, and their boasted assistance of ordinance, like Venetian succours, came after the war was over. The reduction of the excise was proposed with the design charged upon the assembly, to amuse the weaker sort of people;* for if the proprietaries were disposed to favour the intemperate use of spirituous liquors, they might effect their object by abating half the license fees. The last paragraph of the proprietaries' answer was totally inconsistent with the expression of their wishes for harmony between themselves and the people. To forbid an appeal from the deputy-governor to his principals was unheard of. No king of England had ever taken upon himself such state, as to reject the personal application of his meanest subject, when aggrieved by his officers. Even sultans, sophys, and other eastern absolute monarchs, would sometimes sit whole days to hear the complaints and petitions of their very slaves; and were the proprietaries of Pennsylvania become too great to be addressed by the representatives of the freemen of their

* *Rem acu tetigit.*—By a letter from Thomas Penn to governor Hamilton, Oct. 26, 1752, the former, who principally managed the concerns of the family, says, "We have therefore drawn up this, (answer to assembly's remonstrance,) to open their (the people's) eyes, to make them see what the house so violently pressed was only a matter of very small importance, and at *the same time proposed a reduction of the excise, as a measure very agreeable to those that pay it, and which will, if the people insist they shall carry it into execution, lessen their power of opposition to the principal scheme.*

province? If *they* must not be reasoned with, because they had *given* instructions, nor their deputies, because they had *received* them, the deliberations of the assembly were useless, they had only to learn and obey the will of the proprietaries. In conclusion, they said, "if the province must be at more than two thousand pounds expense per annum for a deputy-governor, having no discretion to pass laws, as was intimated in the proprietaries' answer, and must obtain the assent of the chief governor, at more than three thousand miles distance, often ignorant or misinformed of its affairs, with ears peremptorily closed by having given instructions to their deputies, it would be better the colony should be under the immediate care of the crown; and a sincere regard for the memory of the first proprietary, made them apprehend for his children, that, if they followed the advice of Rehoboam's counsellors, they would, like him, absolutely lose——at least the affections of the people; a loss which, however they might affect to despise, they would find of more consequence than they now seemed to apprehend."

This address of the assembly was prepared by Benjamin Franklin, who, on the death of William Clymer, was elected this year a member of the house from the city. He had been appointed, on his petition, clerk of the house, in 1736, in the place of Joseph Growden; had been annually re-appointed since, and held that office when elected a member of the house. His active, comprehensive, and discriminating mind qualified him at all times to lead in a popular body; but his knowledge of provincial affairs at once placed him at the head of the assembly, and caused him to be appointed upon every important committee.*

In the month of May, John Kinsey, speaker of the assembly, died at Burlington, New Jersey, of an apoplectic fit. He was an eminent lawyer: had been many years a member and speaker of the assembly of New Jersey. He removed to Philadelphia in 1730, and had been speaker of the Penn-

* He was succeeded in his office of clerk by his son, William, who resigned it in 1757, to accompany his father to Europe. He was succeeded by Thomas Moore.

sylvania assembly for the last ten, and chief justice for the last seven years of his life. He was distinguished, as a lawyer, for experience, ability, integrity, and success; and, as a member of the society of Quakers, for his kindness and social virtues. He has left some valuable notes on repealed statutes relating to descents, in Pennsylvania. Isaac Norris succeeded him as speaker, and William Allen as chief justice.

In February, the assembly having failed to make a quorum on the day to which it stood adjourned, the governor, after the example of some of his predecessors, revived the question relative to the power of the members to adjourn. But the house, having searched their minutes, found so many instances in which it had been exercised, that he deemed it expedient quietly to abandon his pretensions to control it, which he did, in a message, simply declaring the house to be restored to its privileges, and his readiness to proceed with them in the labours of legislation.

Several cases of lunacy, in subjects unable from poverty to support themselves, gave rise to an association for establishing a hospital for the reception of lunatics, and, subsequently, to the Pennsylvania hospital; a noble monument of the humanity and munificence of the province. Two thousand pounds were subscribed by individuals, and a like sum given by the assembly. The charity became popular, and was aided by contributions in various ways, so that it was immediately and extensively useful; relief being granted to sixty-seven patients in the first year. The contributors were erected into a body corporate, and empowered to elect annually twelve managers, to whose care the institution was confided, subject to a supervision of a committee of the assembly, appointed at its discretion, and which for many years made an annual report of the proceedings and of the funds of the hospital. In 1754 the contributors purchased part of a city square of ground, upon which they erected the necessary buildings, on a plan that would admit of symmetrical additions; and, soon after, the proprietaries presented them with the remainder of the square.

On the thirty-first of October of this year, died James Logan, at the advanced age of eighty-seven years. He was born at Lurgan, in Ireland, and removed to Pennsylvania with William Penn, in the year 1699. In 1701 he was appointed clerk of the council, and secretary of the province. He was, subsequently, commissioner of property, chief justice, and president of the council. He possessed great learning, and distinguished abilities; was conversant with the oriental tongues, familiar with the Greek, Latin, French, and Italian languages, and skilled in mathematics, and in natural and moral philosophy. He enjoyed, during life, the confidence of the proprietary family, which he repaid, by the most earnest endeavours to support their interests in the province, sacrificing to them, occasionally, the place in the affections of the people, which his excellent character and cultivated talents must necessarily have procured for him. He professed the religious principles of the Quakers, but was free from enthusiasm or bigotry. The city of Philadelphia is indebted to his munificence for a very valuable and extensive classical library, which he had been fifty years in collecting, containing the best editions of the best books, in various languages, arts, and sciences.

In their prosecution of their views of territorial acquisition, and of disuniting the Indians from the English, the French attacked the Twightees, with intention to punish them for their adherence to the English, and their protection of English traders. Fourteen of this tribe were killed. The Ohio company having surveyed large tracts of land upon the Ohio, with a view to settlement, the governor of Canada remonstrated with the governors of New York and Pennsylvania, upon what he considered an invasion of the French territories, and threatened to employ force, unless the English traders desisted from their intercourse with the Indians. This threat being disregarded, he captured some English traders, and sent them to France, whence they returned without redress. He also opened a communication from Presqu' isle, by French creek and the Alleghany river, to the Ohio. The design of his military preparations was communicated to the

Six nations, who forbade him to occupy the Ohio lands, or to disturb the English traders; but the French contemned the present weakness of these tribes. To protect such traders as had not been captured, governor Hamilton despatched messengers with tidings of the French movements; and, in expectation that the Six nations and western Indians would require his aid, he earnestly exhorted the assembly to provide him with means to assist them effectually; and to prevent the consequences that must result from the neighbourhood of the French and Indians under their control.

The assembly, as usual, voted money freely, for presents to the Indians, but referred the consideration of all subjects arising out of the treaty of Great Britain with the Six nations to governor Clinton, of New York, to whom they more properly belonged; and refused, at the request of the Indians, to build trading-houses or forts on the frontiers, although the proprietaries offered to contribute largely to this object; assigning, as a reason for this unwise policy, their conviction, that presents were the best means of securing the friendship of the Indians, and the safety of the province.*

The increased commerce of the colony requiring an extension of the paper currency, a bill for this purpose was prepared in 1748, but was postponed, on account of an attempt made in parliament, to restrain all the American colonies from issuing bills as a circulating medium. An inquiry was instituted into the paper currency of the several colonies; and such was the effect of the statement prepared for Pennsylvania, and the exertions of her agents and of the proprietaries in London, that she was not included in the bill passed twenty-fifth of June, 1751, prohibiting the northern colonies, from creating or re-emitting bills of credit, except on extraordinary emergencies. Thus encouraged, the assembly, early in 1752, prepared a bill for striking forty thousand pounds. But the governor objecting to the amount, it was reduced to twenty thousand; yet he still refused his sanction, in accordance with the instructions of the proprietaries, from a

* Votes. Letters of T. Penn to governor Hamilton. Penn's Hist. Society's collection.

fear, as he alleged, of offending the government at home, which had so lately disapproved of this species of paper. The bill being returned to the house, they appointed a committee to consider and report upon their currency.*

The committee, of which Franklin was chairman, took a comprehensive view of the effects of the paper currency. They demonstrated, that, by its aid, the commerce, population, and internal improvements of the country, had greatly increased; that, in 1723, the number of vessels cleared from the port of Philadelphia were but eighty-five; in 1730, they amounted to one hundred and seventy-one; in 1735, to two hundred and twelve; and that from 1749 to 1752, they averaged four hundred and three, per annum. That the population had nearly doubled itself in twenty years; and that the importation of the manufactures of the mother country, had increased proportionally with the shipping-list. The imports from England, exclusive of those from Scotland and Ireland, were, in

| | | | | |
|---|---|---|---|---|
| 1723, | £15,992 | 19 | 4, | sterling. |
| 1730, | 48,592 | 7 | 5 | |
| 1737, | 56,960 | 6 | 7 | |
| 1742, | 75,295 | 3 | 4 | |
| 1747, | 82,404 | 17 | 7 | |
| 1749, | 191,833 | 0 | 6 | |
| 1750, | 156,945 | 7 | 10 | |
| 1751,† | 129,503 | 17 | 1 | |

The views of their internal prosperity was not less favourable.

* Votes. Hamilton MSS. Col. Penn. Hist. Soc.

† The exports from Pennsylvania, of wheat, flour, bread, and flax-seed, were, in

| | | | |
|---|---|---|---|
| 1729, | £62,473 | 14 | 3 |
| 1730, | 57,499 | 19 | 0 |
| 1731, | 62,582 | 0 | 1 |
| 1749, | 148,104 | 4 | 11 |
| 1750, | 155,174 | 19 | 6 |
| 1751, | 187,457 | 11 | 1 |

Thus, in twenty-three years, the surplus produce had been trebled; whilst

The Indian trade had been extended far to the west, embracing many new and strange nations. Agricultural improvements were very rapidly made; the people being enabled to purchase lands by the aid of the loan-office—that happy contrivance in the money laws, by which the yearly quotas were re-emitted to other borrowers, spread the benefits of the system more widely, and lessened the necessity of additional issues. "Yet, great as these benefits were," the committee continued, "they might have been much greater, had this easy method for the purchase and improvement of lands kept pace, as it ought to have done, with the growing numbers of the people. For, during many years, the borrowers were not only compelled to be content with small sums, but many, who could give ample security, were delayed and disappointed. Even at this time, though application, by failure of success, had been greatly discouraged, there were not less than one thousand on the list, waiting their turn to be supplied. It was true, one inconvenience had resulted from this state of things; the price of labour was kept up, by the labourers becoming employers; and, though thirty thousand labourers had been imported within twenty years, the price of labour had not diminished; yet this evil was more than balanced, by the increased value of lands, and the addition to the consumers of English manufactures."

| | | | | |
|---|---|---|---|---|
| the quantity consumed was fully doubled. | | In 1729, there were exported | | |
| 35,438 | barrels of flour, cost | £00 | 21 | 0 per cask. |
| 4,067 | tierces of bread | 2 | 0 | 9 per tierce. |
| 5,459 | barrels do. | 00 | 14 | 0 per barrel. |
| 264 | quarter casks do. | 00 | 5 | 0 per cask. |
| 74,800 | bushels of wheat | 00 | 3 | 6 per bushel. |
| In 1751, | | | | |
| 108,695 | barrels of flour, | 1 | 2 | 9 per barrel. |
| 769 | tierces of bread, | 2 | 2 | 2 per tierce. |
| 27,054 | barrels do. | 0 | 14 | 6 per barrel. |
| 7,826 | quarter-casks do. | 0 | 5 | 1 per cask. |
| 282 | tons do. | 0 | 12 | 6 per cwt. |
| 76,870 | bushels of wheat, | 0 | 3 | 10 per bushel. |
| 9,895 | hogsheads of flaxseed, | 2 | 5 | 0 per hogshead. |
| 62 | barrels do. | 1 | 2 | 6 per barrel. |

Still the governor hesitated to sign any money bill; yet, early in 1753, he consented to pass a law, with a rider, suspending its operation until it received the royal approbation. This clause he added pursuant to the instructions from the king to governor Thomas in 1740, and with a belief that the house would reject it; nor was he disappointed. They preferred to lose the bill rather than introduce a precedent injurious to their own and the proprietary rights under the charter. But the governor's refusal was followed by several long and angry messages between himself and the house, by which the cordiality hitherto distinguishing his administration was much endangered.

In the following year the governor proposed to assent to an act for issuing forty thousand pounds in bills of credit, on condition that funds should be provided for their redemption within a reasonable time. The house sent him a bill for issuing thirty thousand pounds, redeemable by an extension of the excise for ten years. This term he considered too long, and in answer to a taunting and irritating message, mildly stated this and other objections. "He had been forced," he said, "to abandon, with great reluctance, the clause suspending the operations of money bills until they received the king's approbation, by the approaching hostilities with the French, and the pertinacity of the house. The provincial treasury was now rich enough to furnish the sum of ten thousand pounds, the sum offered to his majesty in the bill, yet he consented to extend the excise law for six years, a period longer than was requisite to pay that sum. In the extension of this law, for ten years, he discovered a design in the legislature to become entirely independent of the governor, as by the laws in force the public money was solely at the disposition of the assembly. When the excise laws were passed for a short period, as for five years, the governor had it in his power to oblige the assembly in an essential manner, and thereby to render himself agreeable to them, and retain his influence over them; whilst a greater extension of these acts would render him unnecessary during their continuance. To this condition he determined not to reduce his successor."

In answer, the house voted, that the excise did not, one year with another, produce more than was required for the public expenses; that the excise was more easily paid, and more cheerfully borne, than the poll and pound rates; and that if its whole proceeds should be appropriated to the redemption of the new issue of bills of credit, recourse must be had to these odious taxes. That if there was due to the treasury so large a sum as they had voted to the crown, which was very uncertain, its sudden collection would distress the public debtors; that the right to judge not only of the sum necessary for the public service, but of the time and manner of raising it, and the term of payment, was solely in the representatives of the people, and the governor had no right to interfere in any manner whatever therein; that a just, prudent, and upright administration was the most effectual mode of obtaining and securing the affections of the people; and that it was neither necessary nor expedient to deny the present assembly the exercise of their just rights, that a future governor might have an opportunity of obliging a future assembly; that an act of parliament, made expressly to remedy disorders in the eastern governments, in which Pennsylvania was not embraced, could not by any construction bind her governors or assemblies; that in case of emergency the governor was permitted to pass money bills without the sanction of the crown, and that such was the present; and, therefore, if the governor were restricted by any instructions from giving his sanction to their bill, it was by such as he had not laid before the house, and not by such as he had himself effectually invalidated.*

The assembly had, with their usual sagacity, conjectured truly, that the governor was restricted by instructions he had not communicated to them. The proprietaries, in 1752, had prohibited him from passing any money bill which did not

* The years 1753 and 1754 are remarkable in the annals of Pennsylvania, for two attempts made by captain Swaine, in the schooner Argo, to discover a north-west passage, under the auspices of sundry merchants in Philadelphia, who liberally subscribed for fitting out these expeditions. *American Quarterly Review*, 3 vol., *Haz. Register*, 1 vol. 381.

place the whole of the interest at the disposition of themselves or deputies. The governor kept this instruction secret, and remonstrated with Thomas Penn on its impolicy, in consequence of which the instruction was revoked, and he permitted to pass bills, by which the interest should be appropriated by the assembly from time to time as heretofore; but by subsequent letters he was discouraged from acting upon the last instructions, and finally forbidden to pass any money bill which did not place the interest at the disposal of the governor and assembly, and was informed that his assent to any bill for further issues of paper, without the permission of the crown, would be at his peril.*

Having adopted these resolutions, the house adjourned to the nineteenth of August, but was convened, by special summons, on the sixth of that month, in consequence of the defeat of col. Washington, on his march from Virginia to the frontiers. The dangers of the impending war produced new efforts on the part of the house to provide funds for the public service. A bill authorizing the issue of thirty-five thousand pounds paper, fifteen thousand of which to be appropriated to the king's use, was sent up to the governor. But adhering to his former opinions, he refused to pass the bill without amendment, and referred the house to his successor, daily expected.

In this dispute the assembly was right in principle; but though satisfied of Mr. Hamilton's desire to oblige them, they sullied their cause by the rude and caustic manner in which they addressed him. They held properly and tenaciously to the clause of the royal charter, empowering them to enact laws without the royal assent, and maintained their exclusive right to originate and limit all money bills. It is highly probable that the reasons assigned by the governor were not the only, perhaps not the true ones of his conduct. The royal and proprietary instructions were frequently inconsistent with the public welfare. The assembly had entire control of the public treasury, and the interest on every new

* Hamilton MSS. Coll. Penn. Hist. Soc.

loan increased their strength, and lessened their dependence upon the governor, the proprietary, and the crown. It was politic, therefore, on the part of the administration, to disburse the accumulations of the treasury, and to mortgage the revenues for the redemption of the paper issues. But the public exigencies prevented a rigid adherence to this plan, and an absolute negative upon every money bill; yet, amendments proposed by the governor were designed to keep the assembly dependent upon the executive, for the continuance of the excise law.

Governor Dinwiddie having learned the intention of the French to proceed from Fort Vanango, on French creek, further southward, resolved to send a messenger to gain intelligence of their movements, and to remonstrate against their designs. For this purpose he selected Mr. George Washington, then under twenty years of age. Mr. Washington left the frontiers on the fourteenth of November, 1753, performing a journey over mountain and torrent, through morass and forest, braving the inclemency of winter, and the howling wilderness: he returned after an absence of two months, having escaped many dangers from Indian hostility, and the impracticability of the rivers, with the answer of Legardeau de St. Pierre, the French commandant upon the Ohio, dated at the fort on Le Beauf river. The Frenchman referred the discussion of the rights of the two countries to the Marquis du Quesne, governor-in-chief of Canada, by whose orders he had assumed, and meant to sustain his present position. From de la Joncaire, a captain in the French service, and Indian interpreter, Washington received full information of the French designs. They derived their claim to the Ohio river, and its appurtenances, from the discovery of La Salle, sixty years before, and their present measures for its defence had arisen from the attempts of the Ohio company to occupy its banks.

The English government, having learned the designs and operations of the French in the American continent, remonstrated with the court of Versailles. But, whilst public instructions were given to the governor of Canada to refrain

from hostilities, to demolish the fortress erected at Niagara, to surrender the British prisoners in America, and to punish their captors, he was privately informed that strict obedience was not expected. Deceived and insulted, the English resolved to oppose force with force; and the American governors were instructed to repel the encroachments of any foreign prince or state.

The Anglo-American force was much greater than that of the French; but its division into many distinct sections, independent of each other, rendered combined efforts difficult and sluggish; whilst the French, directed by one will, had the advantages of union and promptitude; and drew the happiest hopes from the boldest enterprises. To resist them effectually, some confederacy of the colonies was necessary, and common prudence required that the affections of the Indians towards the English should be assured. A conference with the Six nations, and the representatives of the colonies, was ordered by the ministry, at Albany, under the direction of governor de Lancey, of New York.* The assembly of Pennsylvania, though disapproving of a joint negotiation, at the instance of governor Hamilton, consented to send a deputation to the congress. The governor, unable to attend himself, commissioned Messrs. John Penn,† and Richard Peters, of the council, and Franklin and Norris, of the assembly. They carried with them five hundred pounds, the provincial present to the Indians.

The Six nations, although large presents were made them, were cold to the instances of the confederated council. Few of them attended, and it was evident, that the affection of all towards the English had decreased. They refused to form a treaty of coalition against the French, but consented to aid in driving them from the positions they had assumed upon

* Wash. Journ. Mod. Univ. Hist.

† John Penn, the eldest son of Richard Penn, arrived in February, 1753. He was sent out by the proprietaries to reside a few years in the province, that he might obtain a knowledge of his affairs, which would qualify him for the place of deputy-governor. He was immediately made a counsellor, and, by unanimous vote of the board, placed at their head, and considered as the eldest counsellor. Hamilton MSS.

their lands, and to renew the former treaties with the English.*

After the public negotiations, the Pennsylvania commissioners, in consideration of four hundred pounds, purchased of the confederated nations a great part of the land in the province, to which the Indian title was not extinct, comprehending the lands on which the Shawanee and Ohio Indians dwelt, and the hunting-grounds of the Delawares, the Nanticokes, and Tuteloes. This sale proved highly dissatisfactory to these tribes, and was a great cause of their subsequent estrangement from the English.

In the convention,† several plans for a political union of the colonies were submitted; and that devised by Mr. Franklin was adopted on the fourth of July. The following were the outlines of the proposed constitution. The general government was to be administered by a president-general, to be appointed and supported by the crown: a grand council of forty-eight members was to be chosen for three years, by the colonial assemblies, to meet at Philadelphia for the first time, on the call of the president. After the first three years, the number of members was to be apportioned to the revenue paid into the public treasury by each colony: the grand council was to meet once a year, and might be called, in case of emergency, by the president: it had power to choose its speaker, and could not be dissolved, prorogued, nor kept together longer than six weeks at one time, without its consent, or the special command of the crown: the assent of the president-general was requisite to all acts of the council, and it was made his duty to execute them: the council was to be empowered, with the president-general, to hold or direct all Indian treaties, in which the general interest of the colonies was concerned, and to make peace and declare war with Indian nations; to regulate Indian trade; to purchase for the crown from the Indians, lands not within particular colonies; to make new settlements on such purchases, by granting lands in the king's name, reserving quit-rent to the crown for the use of the

* Mod. Univ. Hist. † 14th June.

general treasury; to make laws regulating and governing such new settlements, until they were formed into particular governments: to raise soldiers, build forts, and equip vessels of war; and, for these purposes, to make laws and levy taxes: to appoint a general treasurer, and a particular treasurer in each government: no monies to issue without an appropriation by law, or by joint order of the president and council: the general accounts to be settled yearly, and reported to the several assemblies: twenty-five members to form a quorum of the council, there being present one or more from a majority of the colonies: the laws were to be as near as might be to the laws of England, and transmitted to the king in council, for approbation, as soon as might be after their enactment; and, if not disapproved within three years, to remain in force: on the death of the president-general, the speaker was to succeed him, and to hold the office until the king's pleasure was known: military or naval officers to act under this constitution, to be appointed by the president, and approved by the council; civil officers to be nominated by the council, and approved by the assembly: in case of vacancy in any office, civil or military, the governor of the province in which such vacancy should happen was to have authority to appoint, until the pleasure of the president and council should be known.

This plan was submitted to the board of trade in England, and to the assemblies of the several provinces. *Franklin says its fate was singular;* the assemblies rejected it, as containing too much prerogative; whilst in England it was condemned as too democratic. In Pennsylvania it was negatived without discussion. As a substitute, the British ministry proposed that the governors of the colonies, with one or more members of the respective councils, should resolve on the measures of defence, and draw on the British treasury for the sums of money required, to be refunded by a general tax, imposed by parliament on the colonies. But this proposition, being deemed inadmissible by the provinces, was abandoned.*

* Franklin's Memoirs.

Governor Hamilton earnestly solicited the assembly to provide him with funds to organize the militia, in aid of governor Dinwiddie's preparations against the French. They urged the delay of the adjoining provinces, and eagerly sheltered themselves under an objection they fancied they had discovered against the legality of the governor's demands. The instructions of the earl of Holdernesse, secretary of foreign affairs, required, should any foreign power encroach on his majesty's limits, to erect forts on his majesty's lands, or commit any other act of hostility, that the governor should represent to the invader the injustice of his proceedings, and demand the instant abandonment of his unlawful undertaking; and, on failure of this measure, he was to resort to arms, with special care that no military force should be used, except within the undoubted limits of his majesty's dominions. As the governor had not made the requisition in the words of the instruction, the assembly was too modest to presume to set bounds to his majesty's dominions, or to ascertain the limits of their own province; and, as they were not required to resist any hostile attempt on his majesty's dominions within the province, but to assist in sending forces to the Virginians on the Potomac, they deemed it incumbent on them to wait for their neighbours, especially as the house was chiefly composed of such as were conscientiously scrupulous against war.

The governor, after a sharp reproof for this evasion, assured the house, that a part of his majesty's dominions within the province was actually invaded by the subjects of a foreign prince, who had erected forts within the same, and that he called upon them, pursuant to his majesty's orders, to grant such supplies as might enable him to draw forth the armed force of the province, in order to resist these hostile attempts, and to repel force by force. Having made this formal statement, in mockery of the disingenuousness of the house, he continued his expostulation in a frank and manly manner. Loggstown, which the French had seized, they knew, he said, was north of Chanopin, which had been established to be within the province, when disputed, on a trial for murder before the supreme court, at Philadelphia. He had avoided,

hitherto, to make the requisition, pursuant to the secretary's letter, in tenderness to their religious opinions, as such a step would have placed them in the front of the war, and exposed them to the contempt of the enemy, and of their own Indian allies, should they refuse to provide the necessary means to repel the invaders. And, in this light, he considered it fortunate that governor Dinwiddie had taken the lead, and pursued the secretary's instructions. The hostile answer of the French they had before them.

The assembly had too much confidence in their subterfuge to abandon it hastily. They demanded formal proof that the French had invaded the province, and referred the communications of the governor on this subject to a committee, who reported that the fact rested upon the testimony of Indian traders, unskilled in mensuration. Upon this the house resolved that it did not clearly appear that the subjects of a foreign prince had erected forts within the undoubted limits of the government; and they accused the governor of imprudence in declaring the province to be invaded, thereby changing their relation with Virginia, and making them principals instead of auxiliaries; and as such measures could answer no good purpose, they said they resolved to adjourn. They were soon again convened by the governor, but no representation could induce them to appropriate any useful sum to the king's service.

In the mean time Virginia had raised three hundred men, under the command of colonel Fry and lieutenant-colonel Washington; the latter of whom marched with two companies in advance, to a position called the great meadows, in the Allegheny mountains. Here he learned that the French had dispersed a party of workmen, employed by the Ohio company, to erect a fort on the Monongahela river, and were themselves raising fortifications at the confluence of that river with the Allegheny, to which they gave the name of Fort du Quesne; and that a detachment from that place was on its march towards his camp. It was impossible to doubt of the hostile intentions of this party, and Washington resolved to anticipate them. Guided by his Indians, under the cover of

a dark and rainy night, he marched upon, and surprised the French encampment, taking the whole party prisoners, save one, who escaped; and Jumonville, the commanding officer, who was killed. Soon after the whole regiment, the command of which had devolved on Mr. Washington, by the death of Mr. Fry, was united at the great meadows, and reinforced by two independent companies of regulars, the one from South Carolina, and the other from New York, making in the whole, an effective force of five hundred men. Having erected a stockade for the security of their provisions and horses, the troops marched to dislodge the French from Fort du Quesne. Their progress was arrested by information of the advance of twelve hundred French and Indians; and as the Americans had been six days without bread, and had but a small supply of meat remaining, and the enemy might cut them off from their stores, they determined to retreat to the stockade, at the great meadows, which they named Fort Necessity. Colonel Washington began a ditch around the stockade, but before he could complete it he was attacked by the French army, under Monsieur de Villier. His troops made an obstinate defence, fighting partly within the stockade, and partly in the ditch, half filled with mud and water, from ten o'clock in the morning until dark, when de Villiers demanded a parley, and offered terms of capitulation. During the night articles were signed, by which the garrison were allowed the honours of war, to retain their arms and baggage, and to return home unmolested. The last clause was not strictly kept, the Indians harassing and plundering the Americans during their retreat. The courage and conduct of Washington were greatly applauded, and the assembly of Virginia voted their thanks to him and his officers. The French retired to their position on the Ohio.*

The attack on the party of Jumonville without summons or expostulation, has been deeply reprobated by the French. Whilst peace prevailed between the two nations, hostility, they

* Marshal. Bradford's Journal. Review of military operations in North America. Lond. 1757.

said, should not have been presumed. They have not hesitated to call the death of Jumonville an assassination, and have so termed it in the capitulation at Fort Necessity;* the attack of which, they state, was in consequence of the outrage upon their advance party. These allegations are refuted by a review of the conduct of the French since the development of their designs upon the Ohio. The capture of the persons and property of the settlers at Logstown, and of the English traders, wherever found in the western country, afforded conclusive evidence of their intention to try the disputed title by force, and they could not justly complain of the reply to their argument.†

Governor Hamilton, on the news of Washington's defeat, again convened the assembly. And though the public exigencies became hourly more urgent, and a body of Indians driven from their homes, demanded support and protection for their families whilst they should engage the enemy, and the frontier inhabitants prayed for arms and ammunition to protect themselves, the pertinacity of governor and assembly in relation to the money bill, rendered their labours nugatory; and the former gladly referred the subject to his successor.

Mr. Hamilton's administration had continued six years, and was distinguished for its mildness, firmness and ability. His knowledge of the country, the interest which a large property gave him in its welfare, and his connexion with the principal inhabitants, were important pledges for his zeal and integrity. Obedience to the proprietary and royal instructions, produced frequent and unpleasant altercations between him and the assembly, but he never forgot what was due to their character or his own. He foresaw that circumstances would necessarily bring the governor into bitter conflicts with the Quaker interest, still predominant in the province, and that public disputes might terminate in private animosi-

* Bradford's Journal.

† Colonel Washington, ignorant of the French language, was unable to read the articles of capitulation, and was compelled to rely on an interpreter, who translated the word "assassinat," into the English word "death" merely. Washington's letter.

ties. To avoid these he, early in 1753, gave notice to the proprietaries, pursuant to a condition of his bond, that in twelve months from the date of the reception of the notice, he would resign his commission. His resignation was reluctantly accepted; but the proprietaries earnestly requested his continuance until Mr. Thomas Penn should arrive in the province, for which he then contemplated to embark, with a design to take upon himself the government, in about fifteen months.* This design was never executed. Although greatly respected and esteemed, Mr. Hamilton did not escape the causticity which distinguished the assembly in their disputes with their governors; yet he would have suffered more had his temper been less moderate or less firm.

During his administration, the counties of York, Cumberland, Berks, and Northampton, were established, and the following public acts were passed; an act to correct abuses of masters of ships, in the importation of German and other passengers; an act regulating domestic attachments; an act barring estates tail, by the confirmation of fines and recoveries; and an act to prevent disputes about the dates of conveyances. The last was occasioned by the act of parliament of 1751, reforming the calendar, and fixing the commencement of the year on the first of January. The scruples of the Quakers to call the months by their designated names, as a remnant of heathenism, had been protected by an act of assembly in the reign of Queen Anne, making valid all conveyances and other instruments of writing dated as of the first, second, &c. months, the year then commencing on the twenty-fifth of March. The same protection was now given, commencing the year on the first day of January. The duty of the governor also required him to enforce, by proclamation, one of those many laws of Great Britain which were designed to mark and preserve the dependence of the colonies; an act of parliament, solicited by the proprietaries, having passed in 1750,† entitled "an act to encourage the importation of pig and bar iron from his majesty's colonies in America, and to

* Hamilton's MS. † Letter of T. Penn to governor Hamilton.

prevent the erection of any mill or other engine for slitting or rolling of iron, or any plating forge, to work with a tilt hammer, or any furnace for making steel in any of the said colonies." At the time of issuing this proclamation there were no tilt hammers in the province, but there was a slitting mill at work in Chester county, and a steel furnace in Philadelphia. As the statute was not retrospective, these factories were suffered to continue their operations.*

* Minutes of council.

## CHAPTER XIV.

Robert Hunter Morris governor····Instructions from the ministry····Proceedings of the French and Indians····Proceedings of assembly····Indians····Arrival of general Braddock ····Claims the assistance of the province····Frivolous dispute excited by the governor····Application for assistance from Massachusetts····Conduct of assembly thereon····Non-intercourse law····Convention of governors at Annapolis in Maryland····Plan of the campaign·····Expedition against Nova Scotia····Cruelty towards the neutrals····German redemptioners···Braddock's expedition····Proceeding of the assembly····Propose to tax the proprietary estates····Visit from the Indians····New disputes between the governor and assembly····Devastations on the frontiers····General defection of the Indians····Causes of this defection····Supply bill····Petitions of the people···Donation by the proprietors ···Measures of defence····Plan of the campaign for 1756···· Enlistment of servants····Dispute on the renewal of the excise····Proprietary instructions·····Bill for regulating the soldiers·····Declaration of war against the Shawanese and Delawares····Remonstrance of the Quakers·····Indians···· Suspension of hostilities against them····Declaration of war in Europe····Lord Loudon commander-in-chief····Proposition to continue the embargo····Treaty at Easton with the Indians····Removal of governor Morris.

Robert Hunter Morris, son of Lewis Morris, formerly governor of New Jersey, was commissioned by the proprietaries on the fourteenth of May, approved by the king on the fourteenth of June, and arrived in Pennsylvania early in October, 1754.

A new assembly had been elected about the time of his arrival, but did no business at their first session, held imme-

diately after, in consequence of his visit to the territories. At their second session, in December, he laid before them a letter from sir Thomas Robinson, one of his majesty's principal secretaries of state, reprehending the silence of the province, in relation to the royal order for a concert with the other colonies, and commanding him not only to act vigorously in defence of his own government, but to aid the other colonies to repel every hostile attempt.

He endeavoured to enforce these commands, by alarming the assembly with details of the progress of the French. With great industry, they had completed fort Du Quesne, had garrisoned it with one thousand regulars, amply supplied with cannon, provisions, and other necessary munitions, and were preparing to occupy the country of the Twightees with numerous settlers. The Six nation Indians, now more numerous on the western waters, than in their ancient seats, cold to the English cause, and divided among themselves, barely maintained their neutrality. Some of them had removed to Canada, preferring the protection of the active and enterprising French commanders, to that of the slothful and unsuccessful English. The small body of English troops, collected on the frontiers, was weakened by desertion, and corrupted by insubordination. The Indians who still adhered to the province, and had retired before the French, were seated at Aughwick. They admired the courage of the enemy, contemned the pacific temper of the assembly, and were scarcely kept in quiet by the liberality of the province to their families, and its forbearance towards the license of their chiefs.

The assembly prepared a bill for the issue of forty thousand pounds currency, appropriating twenty thousand pounds to the use of the king, redeemable by the excise in twelve years, and the balance to supply the torn and defaced bills of former issues. But the governor objected the royal instructions, so often urged by his predecessor, yet conceded, that, as he might dispense with the suspending clause in extraordinary cases, he would venture to sanction the bill, if the sum granted

to the king were made redeemable within five years. This proposition was unhesitatingly rejected.

The government of Great Britain had at length determined to oppose energetically the growing power of the French in America. Two regiments of foot from Ireland, under the command of colonels Dunbar and Halkett, were ordered to Virginia, to be there reinforced; and governor Shirley and sir William Peperell were directed to raise two regiments of a thousand men each, to be officered from New England, and commanded by themselves. Pennsylvania was required to collect three thousand men for enlistment, to be placed at the disposal of a commander-in-chief of rank and capacity, who would be appointed to command all the king's forces in America: to supply the troops on their arrival with provisions, and to furnish all necessaries for the soldiers landed or raised within the province; to provide the officers with means for travelling, for impressing carriages, and quartering troops. And, as these were "local matters, arising entirely within her government, his majesty expected the charges thereof to be borne by his subjects within the province; whilst articles of more general concern would be charged upon a common fund, to be raised from all the colonies of North America." Toward this fund the governor was directed to urge the assembly to contribute liberally, until a union of the northern colonies for general defence could be effected.

In answer to a message of the governor, based on these requisitions, the house referred him to the money bill they had sent him; and, after a recapitulation of their arguments against his objections, they intimated an opinion, that his refusal to pass the bill was occasioned by the proprietary instructions, which they requested might be shown to them. He evaded a direct answer to this request, but assured them, that his instructions were designed to promote the real happiness of the inhabitants, and contained nothing which his duty would not have required, had they never been given. And, though it was indecorous and unprecedented, for the house to demand their exhibition, still he would communicate them when necessary for the public service: it was sufficient now, to say

that he was instructed by the proprietaries earnestly to recommend to them the defence of the province, not only by the grant of money to the king, but by the establishment of a regular militia, the purchase of arms and military stores, and the erection of magazines. He would add, he said, to his former reasons for negativing their bill, the present state of the treasury, which did, or ought to, contain fifteen thousand pounds, and had an annual revenue of seven thousand per annum. With these resources, and a rich and numerous population, he deemed it unpardonable to disobey the royal instructions.

When unprepared or unwilling to discuss the prominent parts of a governor's message, the house frequently selected from it some minor subject, which, treated excursively, enabled them to gain time, perplex the argument, and obtain the victory. They now seized on the governor's denial of a precedent to the call for proprietary instructions. They adverted to the right of parliament to ask from the crown such information as they deemed necessary, and thence inferred their own right to inspect his instructions, which they supported by examples from the administrations of sir William Keith, and colonel Thomas. Then, assuming his instructions to be inconsistent with their views, they declined to proceed further in the public labours, until, by a knowledge of the proprietary designs, they might be enabled to labour successfully. The public service now required this; and, as they were about to address the king in support of their civil and religious liberties, the proprietary instructions, their force, and validity, would form the great burden of their petition, unless satisfied by the governor that remonstrance on that subject was unnecessary. But this threat availed not. Mr. Morris denied their right, and persisted in his refusal.

The pertinacity of the governor produced from the house a long address; in which they reviewed all the objections that had been made to their money bills, and dwelt with much earnestness upon the injustice and tyranny of administering the government by proprietary instructions, kept secret from the people, instead of their constitution. "These instruc-

tions," they said, "as they have occasionally been made a part of the public records, have been judged, by governor, council, and representatives, either, 1, Inconsistent with the legal prerogative of the crown, settled by act of parliament; 2, or a positive breach of the charter of privileges to the people; 3, or absurd in their conclusions, and, therefore, impracticable; 4, or void in themselves: therefore, if, after exhibition of his instructions, the governor, finding them to be such as had heretofore been given, should find reason, notwithstanding the bonds he may have given to follow them, to disobey them, they would cheerfully grant such further sums for the king's use, as the circumstances of the country would bear, and in a manner least burdensome to the inhabitants."

But that no doubt might exist of their disposition to obey the orders of the crown in all things not forbidden by their consciences, the assembly unanimously resolved to borrow on the credit of the house the sum of five thousand pounds, to be expended in the purchase of fresh provisions, for the use of the king's troops on their arrival, and appointed a committee to negotiate the loan.

The dispute between the governor and assembly was now contracted to a single point. The public necessity, he admitted, would justify his disregard of the royal instructions relative to a suspending clause, but no exigency could induce him to depart from the proprietary commands, nor to extend the excise act for more than five years. His obstinate adherence to his instructions became a criminal disregard of the public welfare; and the conduct of the house subjected them in a degree to like censure, by their perseverance in maintaining and enlarging the grasp of the public revenue. A series of long and angry messages and replies, resulted in a determination on the part of the assembly to address the king, in testimony of their loyalty and affection, and to represent to him the difficulties produced by proprietary instructions.

The Indians at Aughwick having deputed their chief, Scarroyady, and two others, to attend a council of the Six nations

at Onondago, they passed by Philadelphia to obtain necessaries. The son-in-law of Scarroyady, who accompanied him, was charged by the Ouendaets, his tribe, to inquire what their brethren, the English, designed in relation to the French encroachments. He received with joy the news of the preparations to restrain them, as the faith of the Indians in the courage and strength of the English had been greatly diminished by the inactivity of the latter; and with the assent of the assembly he returned immediately to his nation to relate the cheerful tidings. On Scarroyady's return he again stopped at the city with several young men, whose services he represented as important to the common cause; and who at least answered his present purpose of extracting a present from the assembly. But the house refused to supply means for a treaty with the western tribes, and recommended the removal of the Indians whom they had supported during the winter at Augwick, to their own grounds, where they might subsist by planting and hunting. In January, some chiefs of the Six nations visited Philadelphia, on business with the proprietaries; these also the governor recommended to the notice of the assembly, but as this notice was to assume the form of a present, and as these chiefs had partaken of the donation lately distributed at Albany, and their visit was solely on proprietary account, the house refused them all gratuity.

On the fourteenth of January, major-general Braddock, Sir John St. Clair, adjutant-general, and the regiments of Dunbar and Halkett sailed from Cork; and they arrived early in March at Alexandria, in Virginia, whence they marched to Frederickstown, in Maryland. The place of debarkation was selected with that ignorance and want of judgment which then distinguished the British ministry. The country could furnish neither provisions nor carriages for the army; whilst Pennsylvania, rich in grain, and well stocked with wagons, could readily supply food, and the means to transport the army to any point. The assembly, apprehending the general to be prejudiced against them, sent Mr. Franklin to undeceive him; with instructions, however, not to assume the

character of their agent, but to present himself as post-master general, disposed to make his office subservient to the general's plans. Whilst Franklin was with the army, the return of the wagons obtainable was made; from which it appeared that there were not more than twenty-five, and not all of those serviceable. The general and his officers were surprised, declared the expedition at an end, and exclaimed against the ministers for having sent them into a country destitute of the means of transportation. On Franklin expressing his regret that the army had not been landed in Pennsylvania, where such means abounded, Braddock seized eagerly on his words, and commissioned him, on liberal terms, to procure one hundred and fifty wagons, and fifteen hundred pack horses. Franklin, on his return, circulated advertisements through the counties of York, Lancaster, and Cumberland, and by an artful address obtained, in two weeks, all the wagons, two hundred and fifty pack horses, and much popularity for himself.*

He stated in his address that he had found the general incensed at the delay of the horses and carriages he had expected from Philadelphia; and disposed to send an armed force to seize the carriages, horses, and drivers necessary for the service. But that he, apprehending the visit of British soldiers, in their present temper, would be very inconvenient to the inhabitants, was desirous to try what might be done by fair and equitable means; and that an opportunity was now presented of obtaining thirty thousand pounds in silver and gold, which would supply the deficiency of the provincial currency. He expended eight hundred pounds received from the general, advanced two hundred himself, and gave his bonds for the payment of the value of such horses as should be lost in the service; the owners refusing to rely upon Braddock's promise, alleging that he was unknown to them. The claims made against him in consequence of this engagement amounted to twenty thousand pounds, and were not settled by the government until after much delay and trouble.†

* Franklin's Auto Biography.

† Mr. Franklin's representations were strongly enforced by chief justice

The adjutant-general, immediately on the arrival of the troops, required of governor Morris, that roads should be cut to facilitate their march, and the supply of provisions. General Braddock demanded the establishment of a post between Philadelphia and Winchester, the Pennsylvania quota of men, and her portion of the general fund directed to be raised for the public service.

The assembly, specially summoned, met on the seventeenth of March, and immediately provided for the expense of a mail, and the opening of the roads: and though they gave no direct encouragement to the raising of troops, they applied themselves assiduously to establish the necessary funds.

The effects of this favourable disposition were procrastinated by the puerility of the governor. It was the practice of the house at the close of each session to print and publish their minutes. But, on the last day of the late session he demanded a copy to be delivered to him immediately. The assembly gave him no direct answer, but directed their minutes to be published with all convenient speed, and a copy to be furnished him when finished. This he did not receive until two months after the adjournment of the house, when he discovered that the letters of Sir Thomas Robinson, under secretary of state, were spread upon them at full length. He condemned this as a gross impropriety, and commanded the suppression of that part of the minutes which contained them, and declared his intention not to communicate other letters or papers relative to his majesty's service until he had proper assurances of the secrecy of the house; and required, that the clerk should attend him daily with the minutes, that he might keep his majesty's ministers advised of the proceedings of the legislature. A committee, of which Franklin was chairman, defended the entry of the letters upon the minutes, as they formed the basis of the proceedings of the house, and might be necessary for its justification. They considered the governor's complaint in the present instance ridiculous, as these letters were circulars addressed to all the colonies,

Allen, then upon the circuit, and by the judges of the several county courts.

their contents published in the messages of the several governors, and the letters had been printed in the London Gazette. "They knew not," they said, "what assurances of secrecy he might expect, but that when secrecy was necessary, proper measures would be taken to preserve it. It had been their constant practice to appoint a committee to revise their minutes after the rising of the house, and before publication. Until this was done no copies were ever delivered, unless of particular votes, on special occasions. The principal matters they contained were to be found in the governor's messages and the replies of the house, which, with the material votes, were immediately printed in the newspapers. The rest was matter of form, uninteresting even to the people of the province, and unworthy the attention of his majesty and his ministers; and as it was inconvenient and useless to the public to make up their minutes daily, so that a copy could be given him, and as they knew no right he possessed so peremptorily to demand it, they were not inclined to alter their ancient custom; and when they reflected on the importance of the business before them, and the earnestness with which he had pressed unanimity and despatch, they could not but be surprised to receive a message which could only tend to produce division and delay. They, therefore, humbly entreated him to suspend all irritating accusations and novel demands until a season of more leisure, and to permit them to proceed with the business on which he had been pleased to call them together, and the very important matters he had recommended to their consideration." The governor next turned himself upon the printers, Messrs. Franklin and Hall, and forbade them to publish the letters with the minutes of the house. But, on Franklin's application, the assembly resolved that the letters were properly placed on the minutes, that they were the sole judges of what should be inserted thereon, and that the publication should proceed. The governor now informed the house that he had ordered his secretary to inspect their journals, and to take a copy of their minutes from the seventeenth to the twentieth of March inclusive. But the house replied, that when the session was

over their minutes would be revised and printed as usual, when a fair copy should be furnished him; until then, they prayed he would excuse them, if they did not permit any person to inspect them, or a copy to be taken. This frivolous affair had no other effect than to alienate the minds of both parties, and to prejudice them on subjects of deeper importance.

In defence of the northern frontiers, governor Shirley was instructed to build a fort on Crown Point, at the entrance of lake Champlain, for which commissioners were sent from Massachusetts to solicit aid from the other colonies. The application of Mr. Josiah Quincey, to the assembly of Pennsylvania, was warmly seconded by the governor, and favourably received by the house. A bill for raising twenty-five thousand pounds for the king's use, in bills of credit, redeemable by the excise in ten years, was immediately sent to the governor. This sum was appropriated, five thousand pounds to repay the sum borrowed at the last session, five thousand to the order of general Braddock, five thousand to Indian and incidental expenses, and ten thousand to the purchase of provisions for the Massachusetts forces. But the governor refused to sanction the bill or return it to the house, alleging that it was of so extraordinary a nature that he must lay it before his majesty.*

But Mr. Quincey, perceiving the assembly to be sincerely desirous to promote the public service, and having laboured in vain to remove the governor's objections, he, by the advice and assistance of Franklin, addressed himself directly to the house. He stated, that the burden which Massachusetts necessarily bore, from her vicinity to the French, would compel her to abandon her present enterprise, unless aided by her sister colonies; and congratulating the assembly on their immunity from French visitation, he solicited their attention to the defence of the northern frontier, as the means of continuing this blessing; and, though disappointed in the manner of their grant, he flattered himself they would yet find means to render it effectual.†

* Votes. † Votes. Frank. Mem.

On the next morning, the house voted fifteen thousand pounds to the king's use; five thousand to repay the loan of the last session, and ten thousand to purchase and transport provisions for the troops about to march to secure his majesty's territories. This sum was raised by bills drawn by a committee, appointed by the house, on the treasurer and trustees of the loan-office, payable to bearer after twelve months, and bearing interest at five per cent. To give every facility to the circulation of these bills, they were made receivable as cash in payment of the excise, in the exchange of money at the treasury, and in discharge of debts to the loan-office. This vote affords satisfactory evidence of the disposition of the assembly, and shows how much might have been done through them, had they been properly treated. Mr. Quincey, elated with the success of his mission, returned them his warmest acknowledgments for their promptitude and liberality.*

As the French drew a considerable portion of their supplies from the English colonies, it became expedient to prohibit the export of provisions to French ports. This measure was adopted by the assembly of Pennsylvania with great cheerfulness.

A convention of the governors of New York, Massachusetts, Maryland, and Virginia, convened at Annapolis, in Maryland, to settle with general Braddock a plan of military operations.† Three expeditions were resolved on. The first, against fort Du Quesne, under the command of general Braddock in person, with the British troops, and such aid as he could draw from Maryland and Virginia; the second, against Niagara and fort Frontignac, under general Shirley, with his own and Peperell's regiments; and the third, originally proposed by Massachusetts, against Crown Point, to be executed altogether with colonial troops from New England and New York, under major-general William Johnson of New York.

Whilst these measures were in embryo, an expedition was undertaken against the French possessions in Nova Scotia.

* Votes. † Ibid.

The territorial claims of the English extended northward to the St. Lawrence;* but the French endeavoured to restrict them to the peninsula of Acadié. Whilst the two crowns were fruitlessly discussing their several claims in Europe, the French occupied, and prepared to defend, the disputed territory. Though the enterprise against it was planned in Massachusetts, to be executed by the troops of that colony, in conjunction with the regiments of Shirley and Peperell, the command was given to lieutenant-colonel Monckton, a British officer. His second was lieutenant-colonel Winslow, a major-general of the provincial militia. The provincial troops, amounting to near three thousand men, embarked at Boston on the twentieth of May, and arrived in the basin of Annapolis Royal, on the twenty-eighth of the same month. They were afterwards joined by three hundred British soldiers with a small train of artillery. In little more than a month, with the loss of three men only, they obtained possession of the whole province of Nova Scotia, according to their own definition of its boundaries. This easy conquest elated the colonies, and produced sanguine anticipations from their future efforts.

It would have been well for humanity and the honour of the British name, had the victors enjoyed their triumph in mercy. But they disgraced their conquest by scenes of devastation and misery, scarce paralleled in modern history. The inhabitants of Nova Scotia were chiefly descendants of French parentage. By the treaty of Utrecht, (1713) they were permitted to retain their lands, taking the oath of allegiance to their new sovereign, with the qualification, that they should not be compelled to bear arms against their Indian neighbours, or their countrymen; and this immunity was, at subsequent periods, assured to their children. Such was the notoriety of this compact, that, for near half a century, they had borne the name, and, with few exceptions, maintained the character, of neutrals. But, at length, excited by their ancient love of France, their religious attachments, and

* Marshall.

their doubts of the English rights, some of these mild, frugal, industrious, and pious people, were seduced to take arms. Three hundred were found in Beau Sejour at its capture; but it was stipulated that they should be left in the same situation as when the army arrived, and should not be punished for any thing subsequently done. Yet a council was called by Lawrence, lieutenant-governor of Nova Scotia, at which the admirals Boscawen and Moyston assisted, to determine the fate of these unfortunate people. Sound policy and military law demanded the punishment of the leaders of the insurgents, but humanity forbade the extension of this punishment wider than the offence—the involvement of the innocent and the guilty. Of a population exceeding seven thousand, not more than three hundred had taken arms; and, of these, some were compelled to assume them by the enemy, from whom many had suffered much in consequence of their refusal to resist the English. The council required the elders of the people to take the oath of allegiance to the British monarch without the exemption which, during fifty years, had been granted to them and their fathers. Upon their refusal, it was resolved to expel them from their country, to confiscate their property, money and household goods excepted, to waste their estates, and burn their dwellings. Their public records and muniments of title were seized, and the elders treacherously made prisoners. In transporting them to their several destinations, the charities of blood and affinity were wantonly torn asunder; parents were separated from their children, and husbands from their wives: among many instances of this barbarity, was that of René La Blanc, who had been imprisoned four years by the French for his English attachments. The family of this venerable man, consisting of twenty children, and about one hundred and fifty grandchildren, were scattered in different colonies, and himself with his wife and two children, only, were put on shore at New York. On ship-board, the prisoners were without the necessaries of life, and so crowded, that all could not lie down at once; and many of the weak and aged ended their miseries with their lives; and such were the sufferings of others, that of five hundred allotted to Pennsylvania, as her portion

of the burthen, more than one-half died soon after their arrival. So far as it was possible, they were relieved by the kindness of the Pennsylvanians.* They were landed at the lazaretto on Province island, and placed in the hospital, under the superintendence of Anthony Benezet, since well known by his humane and ardent efforts against the slave trade. Unjust and severe as these measures were to the neutrals, the consequences did not terminate in *their* sufferings. Governor Lawrence, with great presumption, and a total disregard of the rights of the neighbouring provinces, imposed a heavy and durable burthen upon them, in the maintainance of this devoted race, for which they were never requited. In Philadelphia "the neutrals" long remained a separate people. They petitioned the crown in vain for redress, refused for a long time to labour, but, finally, settled in low huts, in a quarter of the town, where a vestige continued until the year eighteen hundred.

The assembly endeavoured, though in vain, to re-model the law regulating the importation of German passengers.† The Germans now imported were of a more mixed character than heretofore, and gross abuses were practised by the importers. The passengers were crowded on board the ships without regard to cleanliness or health, and the whole were made responsible for the passage money of each, and were frequently, from this cause, reduced to one level of want and misery. The baggage of the passengers was put on board of other ships, with the design of securing to the merchants the property of those who died on the voyage. Contagious diseases were engendered, which spread widely on the arrival of the vessels by their evasion of the quarantine. The provisions introduced by the assembly to remedy these evils were stricken from the bill by the governor's council, many of whom, as the house averred, profited by this shameful traffic.‡

The freedom and severity with which the assembly commented upon the rejection of the salutary clauses of this bill,

* Minot. Marshall. Mem. of the neutrals. Votes. † 1755, May 12.
‡ Votes.

drew from the governor a violent reprehension of their general conduct. He accused them of a total disregard of the public welfare in refusing provisions and carriages for the troops; of voting money on terms they knew to be inadmissible; of aiming at independence by illegally raising money on the mere vote of the house; and he marshalled in formidable array their sins of omission and commission against his administration. The assembly made a conclusive defence by enumerating the sums they had appropriated to the opening of roads, and to the purchase of provisions for the western and northern armies, from the funds over which the law gave them absolute control.

General Braddock removed his army to a post on Will's creek, since called fort Cumberland, where he awaited the wagons and other necessary supplies for his expedition. From this place, confident of success, he informed the governors of Virginia, Maryland, and Pennsylvania, that, should he take Fort du Quesne in its present condition, he would, after some additions, garrison it, and leave there the guns, ammunition, and stores he should find in it. But, should the enemy abandon and destroy the fortifications, as he apprehended, he would repair the fort, or construct another. In the latter case he required the necessary means of defence to be furnished by the colonies, and to be forwarded immediately, that he might not be delayed in his progress to forts Niagara and Frontignac: he also gave information of the enemy's intention to attack the frontier settlements as soon as he should have marched beyond them.

Upon receipt of the general's letter, governor Morris convened the assembly, and urged their compliance with his request; but he irritated the house, and delayed this momentous business, by refusing to lay before them the letter without a formal pledge of secrecy, which the house refused to give, on the ground that their discretion was a sufficient safeguard against its improper use; and, finally, by refusing to depart from the royal and proprietary instructions, he rendered abortive every effort the assembly was disposed to make towards the supply of the necessary funds. His obstinacy

was now more reprehensible, as the bill passed by governor Thomas contrary to the royal instructions, was at length returned approved by the king.* The house, despairing to prevail with him, adjourned until September, first re-enacting the law prohibiting the export of provisions to Cape Breton and other French possessions.†

General Braddock, at length amply furnished with all necessaries, and reinforced by a considerable body of Americans and Indians, broke up his encampment on the twelfth of June. He passed the Allegheny mountains, at the head of two thousand two hundred men. On reaching the Little Meadows, five days' march from Fort du Quesne, he called a council of war to determine his future motions. Colonel Washington, who had entered his family as a volunteer aid-de-camp, and possessed a knowledge of the country, and the service to be performed, had urged the substitution of pack horses for wagons in the transportation of the baggage, now renewed his advice; and earnestly recommended, that the heavy artillery and stores should remain with the rear division, and follow by easy marches, whilst a chosen body of troops, with a few pieces of light cannon, and stores of absolute necessity, should press forward to Fort du Quesne. He enforced this counsel by the information he had received of the march of five hundred men to reinforce the French, who, though delayed by the low state of the waters, might be accelerated by rains, which, in ordinary course, might be immediate. His opinion prevailed. Twelve hundred men, and twelve pieces of cannon, were selected. These were commanded by general Braddock in person, accompanied by Sir Peter Halket, acting as brigadier; and lieutenant-colonels Gage and Burton, and major Spark. Thirty wagons only, including

* The sluggish progress of colonial business in the court of Great Britain is strikingly exemplified by the history of this, and other laws this year returned with his majesty's approbation. Of eleven acts thus returned, the first was passed in 1744, and the last in 1747. They were all confirmed at a privy council on the 28th of October, 1748; but official notice of their confirmation was not transmitted until April, 1755.

† Votes. Universal History.

the ammunition wagons, followed their march. The residue of the army remained under the care of colonel Dunbar and major Chapman.

The benefit of these prudent measures was lost by the fastidiousness and presumption of the commander-in-chief. Instead of pushing on with vigour, regardless of a little rough road, he halted to level every mole hill, and to throw bridges over every brook, employing four days to reach the great crossings of the Yohogany, nineteen miles from the Little Meadows. On his march, he neglected the advantage his Indians afforded him of reconnoitering the woods and passages on the front and flank, and even rejected the prudent suggestion of Sir Peter Halket on this subject with a sneer at his caution.*

This overweening confidence and reckless temerity were destined to a speedy and fatal reproof.† Having crossed the Monongahela river, within seven miles of Fort du Quesne, wrapt in security, and joyously anticipating the coming victory, his progress was suddenly checked by a destructive fire on the front and left flank from an invisible enemy. The van was thrown into confusion, but the main body, forming three deep, instantly advanced. The commanding officer of the enemy having fallen, it was supposed from the suspension of the attack that the assailants had dispersed. The delusion was momentary. The fire was renewed with great spirit and unerring aim; and the English, beholding their comrades drop around them, and, unable to see the foe, or tell whence their death arrived, broke and fled in utter dismay. The general, astounded at this sudden and unexpected attack, lost his self-possession, and neither gave orders for a regular retreat, nor for his cannon to advance and scour the woods. He remained on the spot where he first halted, directing the troops to form in regular platoons against a foe dispersed through the forest, behind trees and bushes, whose every shot did execution. The officers behaved admirably, but distinguished by their dresses, and selected by the hidden

* Marshall. Wash. Lett. † July 9, 1755.

marksmen, they suffered severely; every one on horseback, except Washington, was killed or wounded; he had two horses killed under him, and four balls through his coat. Sir Peter Halkett was killed on the spot, and the general himself having been five times dismounted, received a ball through the arms and lungs, and was carried from the field of battle. He survived only four days. On the first he was totally silent, and at night only said, "who would have thought it." He was again silent until a few minutes before his death, when he said, "we shall better know how to deal with them another time."

The defeat was total, the carnage unusually great. Sixty-four, out of eighty-five officers, and one-half the privates, were killed or wounded. Many fell by the arms of their fellow soldiers. An absolute alienation of mind seems to have fallen upon the regular troops. In despite of the orders of the officers, they gathered in squads of ten or twelve deep, and in their confusion fired and shot down the men before them; and the troops in line fired on the provincials wherever they saw a smoke, or heard a shot from behind trees. Captain Waggoner, of the Virginia forces, who had taken an advantageous position on the flank, with eighty men, was driven from it by the British fire with the loss of fifty.* Fortunately the Indians were held from the pursuit by the desire of plunder. The artillery and military stores, even the private cabinet of the commander-in-chief, containing his instructions, fell into the hands of the enemy, whose whole force was computed at three hundred men.

The fugitives continuing their flight to Dunbar's division, so infected it with their terror, that, though the enemy did not advance, all the artillery and stores collected for the campaign, except those indispensable for immediate use, were destroyed, and the remnant of the army marched to fort Cumberland. The loss in this engagement would have been still greater, but for the coolness and courage of the colonial troops. These, whom Braddock had contemptuously placed in his

* Penn. Records.

rear, so far from yielding to the panic which disordered the regulars, offered to advance against the enemy, until the others could form and bring up the artillery; but the regulars could not again be brought to the charge, yet the provincials actually formed and covered their retreat. The conduct of the Virginia troops merits the greatest praise. Of three companies brought into the field, it is said, scarce thirty escaped uninjured. Captain Peyroney and all his officers, down to a corporal, were killed. Captain Polson's company shared almost as hard a fate; the captain himself was killed, and one officer only escaped. Of the company of light-horse, commanded by captain Stewart, twenty-five out of twenty-nine were slain.*

This misfortune is solely to be ascribed to the misconduct of the general. Presumptuous, arrogant, and ignorant, he had no quality save courage to insure success. Unacquainted with the country, and the Indian mode of warfare, he neglected the suggestions of the duke of Cumberland, whose instructions seemed predicated on a prescience of his conduct, and the advice of his American officers, to employ his Indians in guarding against ambush and surprise. He neglected and disobliged the Virginians, and behaved with insupportable haughtiness to all around him. With a lethargy in all his senses, produced by his self-sufficiency, he led his troops to be defeated and slaughtered by a handful of men, who intended only to molest their march.†(1)

Dunbar proposed to return with his army, yet strong enough to meet the enemy, to Philadelphia; but consented, on the remonstrance of the assembly of Pennsylvania, to keep the frontiers. He requested a conference with governor Morris at Shippensburg; but governor Shirley having succeeded to the chief command of the forces in America, though at first he directed Dunbar to renew the enterprise on fort du Quesne, and to draw upon the neighbouring provinces for men and munitions, changed his mind, and determined to employ his

* Penn. Gaz. † Mod. Univ. Hist. Marshall. Franklin. Richard Peters' report to council. W. Shirley's letter to governor Morris.

(1) See note N 2, Appendix.

troops elsewhere, leaving to the populous provinces of Pennsylvania, Maryland, and Virginia, the care of their own defence.

The consternation at Braddock's defeat was very great in Pennsylvania. The retreat of Dunbar left the whole frontier uncovered; whilst the inhabitants, unarmed and undisciplined, were compelled hastily to seek the means of defence or of flight. In describing the exposed state of the province, and the miseries which threatened it, the governor had occasion to be entirely satisfied with his own eloquence; and had his resolution to defend it equalled the earnestness of his appeal to the assembly, the people might have been spared much suffering.

The assembly immediately voted fifty thousand pounds to the king's use, to be raised by a tax of twelve pence per pound, and twenty shillings per head, yearly, for two years, on all estates, real and personal, throughout the province, the proprietary estate not excepted. The governor returned this bill with a single amendment;—striking out the word "not," by which the proprietary estate was wholly exempted from taxation. Nor could he be induced to depart from this amendment, supporting it by the following reasons: that his instructions and his judgment were equally against the measure; that every governor, hereditary or otherwise, was exempt from the payment of taxes; that this exemption was confirmed by positive law, declaring that the proper estates of the proprietaries should not be liable to rates and taxes; that the assessors were chosen, in consequence of such exemption, by the people, without the voice of the proprietaries, and should not be authorized to assess their estates; and, lastly, that it was contrary to usage in all proprietary governments, to lay any tax upon the estates of the proprietaries exercising the government by themselves or lieutenants. After the first, it was, perhaps, altogether unnecessary to enumerate other reasons. We cannot do more justice to the assembly, than by extracting their view of this question from their reply to the governor, premising, that the productive property of the proprietaries at this time greatly exceeded a million sterling;

and that their whole estate in the province, according to an estimate of Dr. Franklin, (an estimate, it is true, made for party purposes,) was ten millions sterling.*

Proprietary instructions, they said, which diminished or destroyed the power vested in the lieutenant-governor by the royal charter, were void, and had been so declared by the council of governor Evans, with the advice of William Penn, the younger, the learned judge Mompesson, and the secretary Logan, in considering restrictions imposed on his legislative power. They discriminated between the official and private character of the proprietaries; in the latter of which only they proposed to tax them. In such character, the king himself was not exempt from taxation; his tenants being authorized to deduct their land-tax from their rents: but this was not the first instance, by many, in which proprietaries and governors of petty colonies had assumed to themselves greater powers and prerogatives than were claimed by their royal master upon his imperial throne: and, though the law regulating county rates and levies exempted the proprietary estates from county taxes, the privilege depended upon the act which was in the power of the legislature, and could not be extended beyond its grant. "On the whole," they continued, "we beg the governor would again calmly and seriously consider our bill, to which end we once more send it up to him. We know, that without his assent the money cannot be raised, nor the good ends, so earnestly desired and expected from it, be obtained, and we fear his resolution to refuse it. But we entreat him to reflect with what reluctance a people born and bred in freedom, and accustomed to equitable laws, must undergo the weight of this uncommon tax, and even expose their persons for the defence of his estate, who, by virtue of his power, only, and without the colour of right, should refuse to bear the least share of the burden, though to receive so great a benefit. With what spirit can they exert themselves in his cause, who will not pay the smallest part of their grievous expenses? How odious must it be to a sensible,

* Hist. Rev. Append.

manly people, to find him, who ought to be their father and protector, taking advantage of public calamity and distress, and their tenderness for their bleeding country, to force down their throats laws of imposition, abhorrent to common justice, and common reason! Why will the governor make himself the hateful instrument for reducing a free people to the abject state of vassalage, for depriving them of those liberties which have given reputation to our country throughout the world, and drawn inhabitants from the remotest parts of Europe to enjoy them? Liberties not only granted us of favour, but of right; liberties in effect which we have bought and paid for; since we have not only performed the conditions on which they were granted, but have actually given the higher price for our lands on that account; so that the proprietary family have been doubly paid for them—in the value of the lands, and the increase of people. Let not our affections be torn in this manner from a family we have long loved and honoured; let that novel doctrine, hatched by their mistaken friends, 'that privileges granted to promote the settlement of a country, are to be abridged when the settlement is obtained,' iniquitous as it is, be detested as it deserves, and banished from all our public councils; and let the harmony, so essential to the welfare of both governors and governed, be once again restored, since it can never be more necessary to our affairs, than in their present melancholy condition."

These representations made no impression on the governor; though whilst declining to tax the proprietary estate, on the ground that his instructions forbade him to do any thing by which it would be hurt or encumbered, he proposed to stimulate exertions against the enemy, by a grant of lands beyond the Allegheny mountains, to those who should engage in an expedition against the French on the Ohio. He proposed, to every colonel, one thousand, to a lieutenant-colonel and major, seven hundred and fifty, to captains, five hundred, to lieutenants and ensigns, four hundred, and to common soldiers, two hundred, acres of land, with an exemption from quit-rents for fifteen years. This offer, the assembly held to be inconsistent with the limitation of his authority over the

proprietary estate, and, therefore, they inferred, insincere; and, if sincere, not advantageous. Because no assurance was given that the lands should be of good quality, nor were there any lands better than those of Virginia, which were gratuitously granted, subject only to a quit-rent of two shillings sterling, the payment of which was also suspended for fifteen years; whilst the common quit-rent of the province was four and six-pence. Therefore, an offer of the best proprietary lands, west of the Allegheny, was a proposal, that, to those who would, at the hazard of their lives, recover the proprietary's country from the enemy, they would graciously sell a part thereof, at twice the price demanded by their neighbours. They added, that, if the proprietary, to encourage the settlement of the western frontier, would, *bona fide*, grant good lands on reasonable terms, they would give equal encouragement to settlers in provisions, carriages, cattle, and instruments of husbandry. But, as the governor's power to make such grants was not apparent, they would refer the subject to future consideration. The apparent inconsistency of his proposal with his instructions, the governor attempted to reconcile, by reference to the commission of property, whence he derived his power to grant lands, which were of greater value than those of other provinces, from the nature of the population, and the equality of rights which existed in Pennsylvania. He declared, had the assembly seconded him, he would have offered, by proclamation, the best lands to those enlisting to expel the French. The house, having examined the commission to which the governor referred, and discovering that he was prohibited from granting lands on any other terms than fifteen pounds ten shillings per hundred acres, and a quit-rent of four shillings and two-pence, treated his proposition as a mere illusion, intended to procure an exemption from taxes by a seeming equivalent. In truth, the letters of the governor to the proprietaries, show, that the proposition was made solely with the view of obtaining popularity, but without expectation that the offer would be accepted. *

* Penn. Records.

The house then proceeded to review all the objections of the governor, and his conduct towards them, with great ability, strength, and eloquence; this was followed by the reply of the governor, and that by the rejoinder of the house, concluding with the following passage. "We are now to take our leave of the governor; and, indeed, since he hopes no good from us, nor we from him, 'tis time we should be parted. If our constituents disapprove of our conduct, a few days will give them an opportunity of changing us by a new election; and could the governor be as soon and as easily changed, Pennsylvania would, we apprehend, deserve much less the character he gives it, of an unfortunate country." The addresses of the house were written by Franklin.

These disputes alarmed the inhabitants, who, beholding with dread the procrastination of the measures for defence, earnestly demanded arms and ammunition. A number of gentlemen, chiefly of the proprietary party, proposed to the house to raise by subscription the sum of five hundred pounds, the estimated amount of the annual tax, that would be payable by the proprietaries under the bill. But the house considering this proposition as a snare, and the sum greatly below the amount of the proposed tax, dexterously rid themselves of it by sending it to the governor. They professed to believe from the declaration of the subscribers, that all of them were satisfied that the proprietary would refund this sum, under the conviction of the justice of the tax; and as the assembly had no power to compound for any estate, and were not an incorporated body to sue and be sued, they sent the petition with the amount of the sums subscribed, as a further security to the governor, under a conviction that the subscribers were legally bound to pay, and their estates sufficient to discharge their contracts, and trusted that he would, therefore, assent to their bill.

Jagrea, son-in-law of Scaroyady, returned to Philadelphia, with some missionaries from the Owandaets, and other Indians, to whom he had kindly offered to show the way, that he might participate in the presents they expected from the province. But the house, with much re-

luctance, entertained these visitants, whom, they urged, had been brought upon them unnecessarily, and had equal claims upon the consideration of the proprietaries. To the petitions of the western inhabitants for arms, the assembly were not inattentive; they granted for this purpose the sum of one thousand pounds, to be disbursed by a committee of the house, with the approbation of the governor. After which, they adjourned to the fifteenth of September.

The exertions of the eastern colonies to support the northern campaign, had brought into the field a greater force than had been anticipated, and new demands were consequently made on Pennsylvania for clothing and provisions. Lieutenant-governor Phipps, of Massachusetts, applied officially to governor Morris on this subject; but that gentleman not having communicated this to the house on the third day of the September session, they inquired of the governor whether such an application had not been made. The governor, in a verbal message, communicated its tenor, but he refused to lay Phipps' letter before the house, having orders from the secretary of state to communicate such papers only as he pleased; and the house indignantly refused to inspect the communication by their speaker, or by a committee, and demanded a sight of the secretary's letter, which was denied. Upon this, they resolved, "that great inaccuracies and want of precision having frequently been observed by the house in the governor's *manner of stating matters,* in his messages, they could not think such messages, without the papers therein referred to, a sufficient foundation for the house to proceed upon, in an affair of moment, or that it would be prudent or safe so to do, either for themselves or constituents; and that, though the governor *might possibly have obtained* orders not to lay the secretary's letters in some cases before the house, they humbly conceived and hoped that letters from the neighbouring governments, in cases like the present, could not be included in those orders." A member of the house then produced a letter from a member of the Massachusetts council to himself, stating the application for provisions, and the necessity of an immediate supply, and informa-

tion being received of the want of blankets and clothing for the army, adapted to the approaching season, the assembly voted, that a voluntary subscription of any sum not exceeding ten thousand pounds, paid into the hands of a committee nominated by them, within two weeks, towards furnishing provisions, blankets, or clothing for the troops at Crown Point would be a service to the crown, and acceptable to the public; that the subscribers ought to be thankfully reimbursed with interest by future assemblies, to whom they were earnestly recommended by the house." On this vote supplies were furnished, which proved essentially serviceable to the troops, and which were gratefully acknowledged by governor Shirley. This act closed the session, and the term of the assembly, the time for the election of a new one having arrived.

The election produced some change in the house, but it was not material, the leaders being still the same.* Both governor and assembly seemed unwilling to recur to the subject of their disputes, or to reflect further upon the dangers that impended over the frontier. In this apathy, the assembly, with the concurrence of the governor, adjourned, after a session of a few days, to the second of December.

But the enemy, long restrained by fear of another attack, and scarce crediting his senses when he discovered the defenceless state of the frontiers, now roamed unmolested and fearlessly along the western lines of Virginia, Maryland, and Pennsylvania, committing the most appalling outrages, and wanton cruelties, which the cupidity and ferocity of the savage could dictate. The first inroads into Pennsylvania were in Cumberland county, whence they were soon extended to the Susquehannah. The inhabitants, dwelling at the distance of from one to three miles apart, fell unresistingly, were captured, or fled in terror to the interior settlements. The main body of the enemy encamped on the Susquehannah, thirty miles above Harrs' ferry, whence they extended themselves on both sides the river. The settlements at the Great Cove in Cumberland county were destroyed, and many of the in-

* 1755, October.

habitants slaughtered or made captives, and the same fate fell upon Tulpehocken, upon Mahony, and Gnadenhutten, a Moravian settlement. New horrors were given to these scenes by the defection of the Shawanese and Delaware Indians, who had hitherto continued faithful, and had repeatedly solicited employment against the French and their allies, with threats, that unless engaged by the province they would take part against her. These threats the assembly had humanely, if not wisely, withstood; and now, irritated by the love of enterprise, the desire of plunder, and the hopes fed by the French, of recovering the lands they had sold, these savages openly joined the foe, and actively engaged in the destruction of the English. To the perversion of the Indian disposition, the Delaware chiefs, Shingas and captain Jacobs, were highly instrumental. They had been loaded with favours and presents from the provincial authorities, and principal inhabitants of Philadelphia; and their defection and perfidy awakened the anger of the citizens, who, with the approbation of the governor, proclaimed a reward of seven hundred dollars for their heads.*(1)

In consequence of these melancholy tidings, the governor summoned the assembly for the third of November, when he laid before them an account of the proceedings of the enemy, and demanded money and a militia law. Petitions were poured in from all parts of the province; from the frontier counties, praying for arms and munitions; from the middle counties, deprecating further resistance to the views of the governor, and requiring, if it were necessary, a partial sacrifice of the property of the citizens for the defence of their lives; and that the religious scruples of the members of the assembly might no longer prevent the defence of the country.

The governor, in his message, had assigned as a cause of the late Indian defection, the promise of the French to restore their lands to the Indians; and, it was rumoured, that some tracts in the manor of Conedoguinet were held by the proprietaries, for which they had refused frequent applications of the

* Penn. Gazette. (1) See Note O 2, Appendix.

Indians for payment. The house turned aside from all other matters, to fasten upon this rumour, that they might charge the proprietaries with having caused the Indian hostility, and, regardless of vengeance for their slaughtered constituents, resolved to redress the grievances, and regain the affections of the savages.

If the injustice of the proprietaries had aliened the Indians, the course of the assembly was politic and just; but, in truth, there was no foundation for their complaints. The Six nations, and the Delawares, had been paid for these manor lands again and again; and the Shawanese, who had emigrated from the south, and had obtained permission to settle in the province in 1698, had no title to them whatever; nor had they or the Delawares at any treaty complained in this respect of the proprietaries. But the Indians were not the less sensible to the recovery of their lands, because they were paid for them, nor more satisfied with beholding the inheritance of their fathers pass to strangers. They repented much of their last sale, which embraced the greater part of the remnant of the province, leaving for themselves only a small and mountainous district. This was an extravagant and ill-advised purchase, though sanctioned by Richard Peters and Conrad Weiser, both well acquainted with the temper and disposition of the Indians. But the proprietaries were, at this period, very desirous of extinguishing the Indian title in the province, on account of the continued and irrepressible attempts of the whites to settle the Indian lands, and the necessity of precluding the interference of Connecticut claimants in Pennsylvania, under an antiquated title.* The first of these reasons was also a strong inducement with the Indians to sell; but when the Delawares beheld themselves without a country to subsist in, their regrets easily subdued them to the will of the French agents, and led to the defeat of Braddock, and the butcheries we have just noticed. And however much the assembly might censure and lament this purchase

* Lett. from Weiser to Peters, 1st March, 1755.

as inexpedient, they had no cause to accuse the proprietaries of injustice.

Returning, therefore, to the defence of the province, the house prepared a bill for granting sixty thousand pounds to the king's use, in bills of credit, redeemable in four years, by a tax on the estates and polls of the inhabitants. This bill embraced the proprietary estates, but provided, that should the proprietaries declare in favour of exempting them, the tax, if assessed, should not be levied, or if levied, should be repaid. The governor, admitting that the crown only was competent to decide the question at issue between them, refused to bring it up for consideration in this way. But he proposed to prepare a bill for taxing the proprietary estates, by commissioners mutually chosen by himself and the house, with a clause suspending its operation until approved by the king. The assembly refused this, on the plea that the executive neither could nor ought to propose a money bill; which position they sustained by the authority of parliamentary history against the governor, armed with precedents from their own journals; and they closed their address by declaring, that if he still refused to pass their bill, they would appeal to the throne, by remonstrance, and petition for his removal.*

In the mean time the partisans of the governor assailed the house with petitions. A memorial from Chester county urged them to decline unnecessary disputes; and a representation of the mayor, and several principal inhabitants of Philadelphia, rejecting the language of prayer, demanded that means should be taken to defend their lives and properties, by the establishment of a militia and a competent fund. So intemperate was this representation by the mayor and citizens, that the house denounced it, "as presuming, indecent, insolent and improper."

Nor were complaints and earnest solicitations confined to the proprietary party. The ever-enduring disputes between the governor and assembly wore out, at length, even the Ger-

* Votes.

man patience, and overcame their constitutional phlegm. The inhabitants of the remote parts of Philadelphia county, chiefly Germans, to the number of four hundred, marched to the city, unarmed, in a peaceable and orderly manner, to implore the protection of their rulers, and the postponement of their unseasonable debates. They first waited upon the governor, who accused the assembly of procrastination; and that body did not fail to rebut the charge, whilst they promised these sturdy petitioners, who crowded their hall, that means for their protection and safety should be speedily adopted.

To their instances were added the threats of the few Indians remaining faithful to the province. These, about three hundred in number, required the whites to take up arms, to furnish ammunition and provisions, to build forts for the protection of their aged, their women, and their children, and give them an immediate answer; that, in case of refusal, they might seek their own safety by throwing themselves into the arms of the enemy.

It would have been impossible for the assembly to have withstood the governor so long, had they not been supported by the people; the great mass of whom were opposed to the militia, and to any system of taxation which did not embrace the proprietaries. This disposition was fully shown at the late election in Berks county.* One Jonas Seely, a candidate for the office of sheriff, at the opening of the poll in Reading, united all voices in his favour; but it being reported that he was of the governor's party, had associated and exercised the people, and would compel all persons to assume the musket, the Germans, to a man, left him, and he was not returned. The Quakers too, somewhat indiscreetly, as the assembly thought, chose this moment to utter their testimony against contributing money for military purposes.†(1) But the house could not sustain its position much longer. Petitioners of their own party thronged their doors, and prayed, that if it were possible, without a sacrifice of

* Weiser letter, 2nd Oct. 1755. † Votes. (1) See Note P 2, Appendix.

their rights, some means might be found to unite the province in the public defence. They had already, by the exertion of Franklin, conceded the militia bill, which the governor hastily passed without amendment,* and were saved from entire defeat on the money bill only by the donation of the proprietaries.

The latter had received tidings of Braddock's defeat, and, fully aware of the imminent danger of their province, sent the governor an order for five thousand pounds upon their receiver-general, to be applied to the common use of the colony. This liberal donation terminated the disputes upon the impending supply bill, which, divested of its obnoxious feature, received the governor's sanction. The gift of the proprietaries was payable from the arrears of quit-rents. One thousand pounds were immediately collected, and paid to the committee of the house, but the receiver-general proposed to obtain the remainder by an act of assembly, for striking the amount in bills of credit, to be replaced by him as the rents should be collected. The bill which he prepared stated the sum of five thousand pounds, to be a free gift; the house added, "in consideration of being exempted from the payment of their taxes, towards raising the sum of sixty thousand pounds, granted by the assembly to the king's use." This amendment defeated the bill.

The troops destined for the northern expeditions, were not assembled at Albany until the close of June, and were not provided with necessaries for the expedition until the last of August. General Johnson, having reached the southern shore of lake George, on his way to Ticonderoga, received information of the approach of baron Dieskau, at the head of twelve hundred regulars, and six hundred Canadians and Indians. The baron had designed to attack Oswego, but, hearing of Johnson's intention, he resolved to assail him in his camp, relying upon information, that he was entirely without artillery. Johnson detached colonel Williams with a thousand

* This bill was not compulsory, and it passed the house with four dissentient voices only, James Pemberton, Joseph Trotter, Peter Worral, and Joshua Morris, two less than dissented from the money bill voting against it.

men, to reconnoitre and skirmish with the enemy. This body, engaging with the foe, was soon overthrown, put to flight, and its commander killed. A second detachment, sent to its aid, experienced the like fate, and both were pursued to the camp, where they were sheltered behind a breastwork of fallen trees, which the Americans had formed in the front. At this obstacle, the French halted, giving time to the provincialists to recover from their alarm, and prepare for defence. Their artillery, lately arrived, was served with effect; and, though the baron advanced firmly to the charge, his Indians and militia deserted him, and compelled him with his regulars to retreat. In the pursuit, which was close and ardent, Dieskau, mortally wounded and abandoned, was made prisoner. A scouting party, under the command of captains Folsom and M'Gennis, from fort Edward, fell upon the baggage of the enemy, and routed the guard; and immediately after engaged with the retreating French army. The enemy, attacked by a force whose number they did not know, abandoned their baggage, and fled towards their posts on the lake. This repulse of Dieskau, though not at all followed up by Johnson, was magnified into a splendid victory. It served, in some measure, to relieve the effect of Braddock's defeat, and procured the commander a present of five thousand pounds sterling from the house of commons, and the title of baronet from the king. His army was soon after discharged, except six hundred men, retained to garrison fort Edward, and fort William Henry. The French seized and fortified Ticonderoga.

General Shirley, who had put himself at the head of the expedition against Niagara, and fort Frontignac, did not reach Oswego, on lake Ontario, until late in August. His force was composed of about thirteen hundred regulars, and a hundred and twenty militia and Indians. These he divided; embarking between six and seven hundred men for Niagara, and leaving the remainder to garrison Oswego. But he had scarcely embarked, before the rains set in with fury, and his Indians, discouraged, dispersed. It was apparent, that the season was now too far advanced for the accomplishment of

his design, and, by the advice of a council of war, it was abandoned. A garrison of seven hundred men was left at Oswego, to complete the works at that place, and the general returned to Albany.

The marauding parties of French and Indians hung on the frontiers during the winter, and in the month of January attacked the settlements on the Juniata river, murdering and scalping such of the inhabitants as did not escape, or were not made prisoners. To guard against these devastations, a chain of forts and block-houses were erected at an expense of eighty-five thousand pounds, by the province of Pennsylvania, along the Kittatiny hills, from the river Delaware to the Maryland line, commanding the principal passes of the mountains, garrisoned with from twenty to seventy-five provincials, as the situation and importance of the places respectively required.

The militia bill did not compel the inhabitants to arm, but encouraged and protected their voluntary association for defence. To promote this, Franklin wrote and published a dialogue, stating and answering the objections to a militia law, which had great effect, and he was prevailed upon by the governor to take charge of the north-western frontier, then much infested by the enemy. Full powers were given to him, with authority to commission such officers as he thought proper. His son, who had served in the army against Canada, was his aid, and he, without difficulty, raised five hundred and sixty men. The troops were collected at Bethlehem, whence they marched to Gnadenhutten, on the Lehigh, twenty-five miles north-west of Bethlehem, which had been burned and wasted by the Indians. Bethlehem itself was prepared for defence by the Moravian brethren, who had surrounded it by a stockade, and had procured arms and ammunition from New York; even stones were collected between the windows of their high houses, for the women to throw upon the heads of assailants, and the brethren did regular garrison duty. These hostile preparations were remarkable, as the Moravians professed conscientious scruples against bearing arms, and had obtained an act of parliament, exempting them from

militia duty in the colonies. On being questioned by Franklin on this subject, their bishop, Spangenburg, replied, "That it was not one of their established principles; but that when they obtained that act, it was thought to be a principle among the people. On this occasion, they were surprised to find it adopted by very few." In the beginning of January, amid rain and frost, Franklin began to erect his forts, which were soon sufficient to resist the attacks of the Indians, unprovided with artillery. The progress of his labours was watched, but not interrupted, by the enemy; who, finding an attack would be unavailing, drew off unobserved. He returned to the city, on the earnest request of his friends in the assembly, leaving colonel Clapham, a New England officer experienced in Indian warfare, in his command. The military association grew rapidly. Twelve hundred men were organized in the city, with a company of artillery; these were formed into a regiment, of which Franklin was elected colonel; and, such was his popularity, that the governor proposed to him to undertake an enterprise against fort du Quesne; but he, diffident of his talents for such a service, declined, and the project was altogether dropped.*

Governor Shirley, having been appointed commander-in-chief, on his return to Albany, summoned a convention of the governors of the northern and middle colonies, to settle the plan of the ensuing campaign. This council resolved to raise ten thousand two hundred and fifty men; to attack Niagara, that the communication between Canada and Louisiana might be cut off; to reduce Ticonderoga and Crown Point, that the command of lake Champlain might be obtained, and New York freed from the apprehension of invasion; to besiege fort du Quesne, on the Ohio, and to detach a body of forces by the river Kennebec, to alarm the capital of Canada. This plan was too extensive for the means which Shirley possessed, and served only to dissipate the strength, which more concentrated efforts might have rendered serviceable.

* Votes. Gazette. Franklin's Life. Penn. Records.

The Pennsylvania quota of troops was fifteen hundred; to raise which, extraordinary exertions were made. Great dissatisfaction was given, by the encouragement held forth to indented servants and apprentices to enlist; since this colony had hitherto liberally afforded recruits in greater number than any other, and she now suffered for want of necessary labourers. But this was an additional calamity of the war, that was inevitable; neither the commander-in-chief, nor governor Morris, being at liberty to remedy the grievance.

The excise on wine and spirits, which had been imposed for ten years, being about to expire, a bill for its renewal was prepared by the assembly, and sent up for the governor's sanction. He proposed to amend it, by giving to the governor, or the president of the council, a joint power with the house, in the disposition of its proceeds; and communicated to the house his instructions, forbidding him to assent to any law raising money on the inhabitants of the province, without this provision. In these, the house discovered what they long believed the true cause of the governor's inveterate opposition to their several money bills. With their accustomed strength, they animadverted on their unconstitutionality, and their injurious effects on the province, and resolutely adhered to their bill.

Notwithstanding the hostilities committed by the Delawares and Shawanese, war had not been formally declared against them by the province. Several members of the assembly had still confidence in the influence of the Six nations over these people, and that it would be exerted for the restoration of peace. They moved the house, therefore, to address the governor, to suspend his declaration of war; but the motion, after much debate, was postponed indefinitely. The feelings of the Quakers, however, were too deeply interested in this matter, to suffer them to remain quiet whilst any means were unassayed to prevent an evil they so greatly dreaded. Many of them attended the house, and, in person, prayed that body to join them in a remonstrance against the declaration; but the assembly also postponed indefinitely

the consideration of this petition. The Quakers also prepared a remonstrance to the governor, which contained at length their views in relation to war, and the provincial policy towards the Indians.(1)

This appeal, though earnest and persuasive, did not stay the declaration of war, which was proclaimed by the governor, by the advice of his council—William Logan alone dissenting.* And we have to regret another instance of the deliberate inhumanity which has distinguished the belligerents on the North American continent, in regard to their employment of the Indians. The cruelty of the savage was stimulated by the promise of reward; and, by proclamation, a premium was offered for the prisoners or scalps taken from the Indian enemy. This was rather an invitation to murder, than to take and protect prisoners. For, as the scalp was worth the living body, no considerations of religion or humanity induced the Indians to suffer the slightest inconvenience from their prisoners.†

The disposition which the province thus displayed towards the Indians, alarmed even those who continued friendly. These had been gathered in from the Susquehannah to the city, lest they should be mistaken for enemies; and now, without assigning any reason, they suddenly resolved to join the Six nations. Their departure relieved the city of a con-

(1) See note 2 Q, Appendix.

* Provincial Records, Harrisburg.

† See governor Clinton's Discourse before the New York Historical Society, for a collection of instances of this execrable policy of the Europeans, vindicated by lord Suffolk, the British secretary of state. 2 *Col. His. Soc.* 57.

It is highly honourable to the proprietaries, that they discountenanced this savage practice. In a letter from T. Penn, (July 10, 1756,) to governor Hamilton, he says, "When you wrote me last, you regretted that you were not at liberty to declare war against the Delaware Indians, that you might attack them in their towns. This inconvenience is, since that time, removed, and I wish people enlisted in pay could have been found to go in small parties and attack them, making prisoners of their wives and children, as a means to oblige them to sue for peace, rather than that rewards should be offered for scalps, especially of the women, as it encourages private murders."

siderable burden, yet care was taken that they should depart in good humour, and that their leaders, Scarroyady and Montour, should be amply rewarded for their services. No opportunity was lost by the assembly to propitiate the Indians. Cayenquiloquoas, an influential chief among the Six nations, had placed two sons at Philadelphia to be educated, who were hitherto supported at the joint expense of the province and proprietaries. But, the latter refusing further to contribute, the former assumed the whole charge. The services of Montour and Scarroyady merited the acknowledgments of the whites. At the risk of their lives, they had, in December, visited the several tribes of Indians seated along the Susquehannah, with a view to persuade them from assuming arms; and thence proceeded, as the deputies of the Six nation Indians residing in Pennsylvania, to the great council at Onondago, to represent the conduct of the Delawares and Shawanese to the confederated nations. In consequence of their remonstrances, the council despatched a party of their warriors, consisting of deputies from each of the Six nations, to the Susquehannah, to enjoin the Delawares and Shawanese to desist from hostilities; and, in case of their refusal, to declare war against them in the name of the Six nations.*

The assembly, being convened on the tenth of May, were urged by a message from the governor, then on the frontiers, to new model the militia bill; which, not being compulsory, was found inadequate, even where danger was most pressing, and was much disliked by the military association in the city: he recommended an embargo on provisions and warlike stores, which had been adopted in New York, that supplies might not be furnished to the French forces lately despatched from Europe; and, by statements, which the assembly deemed exaggerated, of the condition of the inhabitants on the frontier counties, endeavoured to excite the assembly to further exertions for their defence.

The house immediately passed an act, forbidding the export of provisions and military stores until the fourth of

* Penn. Gazette. Penn. Records.

August; but the legislature of the territories passed a similar act, extending the prohibition only to the seventh of July. Subsequently they extended it to the twentieth of July, and from thence so long as the legislature of Pennsylvania should continue the law for the like purpose, not beyond the twenty-second of October. To run the provincial parallel with the territorial act, and under pretence of continuing the embargo as long as New York and New Jersey, the governor convened the assembly on the nineteenth of July, at the most inconvenient season of the year, in the height of harvest. Against this measure, the merchants, owners, and masters of ships protested. And the assembly, indignant at the unreasonable, and, as they demonstrated, unnecessary summons, refused to legislate further upon the subject; having originally given to their act the same duration as those of New York and New Jersey. They professed themselves disposed to remedy the faults which might be pointed out in their militia law, but the labour of amendment was saved to them, by the repeal of the act by the king in council. But they did not pass silently by the governor's representation of the provincial state of defence. Their frontier was better defended than that of any colony on the continent: there were many associated companies ready, at the command of the governor, to march into the border counties, and the treasury was provided with means to pay the necessary expenses. They recommended, however, that the governor should rather employ permanent troops, as a cheaper and more efficient species of force than the militia, for the frontier service.

On the application of commodore Spry for seamen, the commissioners for disposing of the money granted to his majesty's use, at the instance of the assembly, furnished a large and seasonable reinforcement, obtained by bounty from the province, and sent to the fleet at its expense.

The house entered upon the preparation of another act,* for raising supplies, but they suspended their progress, on receiving information that sir William Johnson, through the

* June.

mediation of the Six nations, had succeeded in disposing the Shawanese and Delawares to an accommodation; and that these tribes had promised to refrain from further hostilities. On the part of the province, the governor suspended the war against the Indians, by proclamation, which he sent to the Indians at Diogo, on the Susquehannah, and the assembly cheerfully supplied the means for holding a treaty of pacification; and earnestly pressed upon the governor, for his sanction, a bill for regulating the trade and intercourse with the Indians, by which they expected to allay whatever resentment the Indians might still feel, and to provide against future discontents.

The return of the Shawanese and Delawares to pacific dispositions, was greatly promoted by the conduct of the principal Quakers. Israel Pemberton and others invited some friendly Indians to their tables, and, in a free and social converse with them, through the instrumentality of Conrad Weiser, awakened their earnest wishes for peace. These Indians were despatched with a message from Scarroyady to the hostile tribes, communicating the desires of the Quakers that they should return to their early affections. This conference was held with the permission of the governor; but, by the advice of his council, the subject was left entirely to the management of Friends.*

The governor, who had received no compensation from the house, since their first session after his arrival, believed the present gleam of peace afforded a proper opportunity of presenting his claims. He reminded the house that the trouble and expense of his administration had been greater than formerly; but they turned a deaf ear to his representations.

The Quakers, members of the assembly, had continued to participate in the labours of the house, even on military subjects, and had debated and voted, some of them negatively, on the money and militia bills. Upon mature reflection, James Pemberton, William Callender, William Peters, Peter Worrall, and Francis Parvin, were convinced that the nature

* Provin. Records.

of the services required from them was incompatible with their religious principles, and therefore resigned their seats. This measure was novel, and occasioned considerable debate. By the constitution of the parliament of Great Britain, a member could not resign, but his acceptance of an office under the crown vacated his seat. But as this acceptance of an office was mere form, it was contended, that what might be done indirectly, was lawful to be done directly, and therefore the house accepted the resignation of the members, on condition that they delivered their reasons to the speaker in writing; and directed writs to be issued for holding elections to supply the vacancies. The governor refused to sign the writs, whereupon the speaker directed them immediately to the sheriffs of the respective counties.

Though France and England had been engaged in the warmest hostilities in America since 1754, the peace was not openly and avowedly broken in Europe until May, of the present year. The events in America in 1754 had determined each to despatch considerable reinforcements to the colonies. The French, understanding that orders had been given to Boscawen to intercept their squadron, declared they would consider the first gun fired as a declaration of war, and their minister was recalled in consequence of an attack upon their fleet by that admiral. The British government instantly issued letters of marque, under which a large number of French merchant-ships, and seven thousand French sailors, were captured, a blow which had great effect upon the subsequent operations of the war in Europe and America.*

In order to make the best use of the German and Swiss settlers in America, who, from their close union, and residence near each other, formed a distinct people, preserving their original language and manners, authority was given by act of parliament to form a regiment, to be called the royal American regiment, of four battalions, each of one thousand men. As it was necessary that the subalterns of this regiment should speak German, this act authorized the appoint-

* Smollet. Marshall.

ment of foreign protestants who had served abroad as officers or engineers, to rank as such in America only.

The English ministry, either from want of confidence in the military talents of general Shirley, or that he might give them information on American affairs, removed him from the command, and summoned him to England. General Abercrombie succeeded him, and with him came out two additional regiments. But the chief direction of the war was soon after given to the earl of Loudon, who was appointed governor of Virginia, and colonel of the royal American regiment. Abercrombie sailed for America in March, but Loudon did not embark until May. The governor communicated these changes to the assembly of Pennsylvania in June, with the royal instructions, that they should appropriate the funds raised for the public service, under the direction of the commander-in-chief; and, that the American regiment might be speedily raised, to provide for the payment of the masters of such servants as should enlist. General Shirley, before his departure for Europe, addressed to the assembly a letter of acknowledgment for the services they had rendered towards the expedition to Crown Point, by their supply of provisions and clothing. They voted him a complimentary reply, in which they observed, that "the justice he had formerly done the assemblies of the province in a letter to one of their members, and this fresh instance of the same disposition of mind, was becoming his established character, and was the more acceptable to them, as they had frequently, though in vain, sought that justice where they undoubtedly had a right to ask and expect it."

Captain Newcastle, who had been sent to the Indians with a copy of the governor's proclamation, on his return, brought with him as far as Bethlehem a number of the Delaware Indians, with their king, Teedyuscung, at their head, who waited there to enter upon a conference with the governor. He asked of the house four or five hundred pounds to pay the expenses of this treaty; but they granted him three hundred pounds only, and referred him to the proprietaries for such further sum as might be required. He accepted this sum

with an ill grace, expressing his conviction that the proprietaries would contribute nothing, and declared his intention to remain at Bethlehem until his money should be expended, when he would mount his horse and ride to New York to meet lord Loudon. Attended by his council, and Isaac Norris, Joseph Fox and William Edmonds, members of the assembly, the governor met the Indians at Easton, where their engagements with Sir William Johnson to lay down the hatchet were confirmed.

Much pains were taken by the governor and his party to misrepresent the principles and conduct of the assembly, at the court of St. James. Beside the official correspondence of the governor, his friends wrote letters for publication in the London newspapers. One of these, in which the assembly, and the Quakers generally, of the province were treated with much freedom and great indecorum, attributed to William Smith, provost of the Philadelphia college, was published in the London "Evening Advertiser," and a copy thereof was laid before the house. They voted that it contained wicked calumnies against numbers of sober and valuable inhabitants, and infamous, libellous, false, and scandalous assertions against the two branches of the legislature. Smith was arrested by the sergeant-at-arms, and being brought before the house, and questioned by the speaker, whether he had written a letter containing the matter extracted in the journals, gave at first an evasive answer, and finally refused to reply to the speaker's questions. He was permitted to withdraw, furnished, at his request, with a copy of the order to the sergeant-at-arms, and of the questions of the speaker, and his answers. The house then resolved, that "his replies were trifling and evasive, and plainly indicated him to be the author of the letter; but, that having matters of considerable moment before them at that time, and being able to stay but a little while together, further proceedings should be postponed to a more convenient opportunity, and that he should be discharged from the custody of the sergeant-at-arms." The want of proof to convict Smith of having written this letter, alone prevented the house from proceeding with seve-

rity against him. The letter charged on Smith was printed in London, in a pamphlet form, and if, as the writer of a reply to it asserts, it contained the views of the proprietary party, the assembly was fully justified in their efforts to retain the power of the government in their own hands. This letter writer attributed to the Quaker policy not only the unprepared state of the colony for war, but also the designs of the French, for occupying and garrisoning the western country; and he proposed to remedy all the evils of which he complained, by stripping the Quakers, and their partisans, the Germans, of political influence. He suggested that an act of parliament should be passed, enacting, 1, That all members of assembly should take the oaths of allegiance, and subscribe a declaration that they would not refuse to defend their country against all his majesty's enemies; 2, That the right of the Germans to vote for members of assembly, should be suspended until they had acquired a competent knowledge of the English language and provincial constitution; 3, That protestants, ministers, and school-masters, should be settled among them, to reduce them into regular congregations; to instruct them in the nature of free government, the purity and value of the protestant faith; and to bind them to the province by a common language, and the consciousness of a common interest; 4, That all law writings should be void unless made in the English tongue; 5, That no newspapers, almanacks, or other periodical paper, written in a foreign language, should be printed or published, unless accompanied by an English version; and, That further importations of Germans should be prohibited. And, in a second letter, supplementary to the first, the author proposed to give to the executive the power of dissolving the legislature, and of fixing at pleasure the day for the election of representatives.*

On the meeting of the assembly in August, the governor asked for further supplies of money, without which he could no longer retain the troops in service, now more especially necessary, since the late audacity of the enemy, who had

* Political Pamphlets.

captured fort Granville on the Juniata river, was wasting the country west of the Susquehannah, and driving the inhabitants upon the interior settlements. Much of this picture of distress, the assembly declared, was drawn from fancy, and was part of the system adopted by the governor to magnify his own vigilance, and their neglect. He felt delight, they said, in the contrast of his own glowing descriptions, and the cool and cautious policy of the assembly. But the distress of the country could scarce be painted in colours too vivid. In the preceding year the country west of the Susquehannah possessed three thousand men fit to bear arms, and now, exclusive of the provincial forces, there were not a hundred; fear having driven the greater part into the interior of the province. The house immediately sent the governor a bill for raising forty thousand pounds, but as they adhered to their determination of taxing the proprietary estates, he refused to pass it. Another long and wordy contest was about to commence, when Mr. Morris was superseded by the arrival of governor Denny.

Governor Morris was bred a lawyer, was a man of education, and gentlemanly manners, eloquent, and fond of disputation. He contended, in argument, for victory, against the plain dictates of common sense; and fancied that his own fluency was an overmatch for the strength and point of Franklin, who was the writer and champion of the assembly; and whom, in his angry mood, he accused, to the ministry, of using his office of postmaster-general to obstruct the king's service, and to the proprietaries, of the design of wresting from them the government.* Had he been at liberty to consult his own understanding, he would have conciliated, rather than provoked, the assembly. But, fettered by his instructions, which he was required, too, to keep concealed, he was frequently compelled to resort to pretences for his refusal to sanction the acts of the house, which would not bear handling; and, for the want of argument, fell into reproaches and in-

* Morris' letters in Provincial Records.

vectives, in the return of which the house were more successful, because they had the better cause. He was active in the performance of his executive duties, and supported the measures of general Braddock with energy and effect.

During his administration, no laws were enacted, which did not relate to the prosecution of the war, or defence of the province; the principal were the non-importation and embargo laws, and an act extending so much of the mutiny act as related to the quartering and billeting of soldiers, and payment of their quarters.

Governor Morris returned to East Jersey, where he held the office of chief justice for many years, and died in January, 1764.*

* Penn. Gazette.

## CHAPTER XV.

Favourable reception of governor Denny·····Communicates the proprietary instructions····Excise····Resolutions of the assembly on the proprietary instructions····Franklin's report thereon····Petitions to the king····Hearing before the council····Militia law condemned·····The conduct of the Quakers reproved····Their difficulties····Embargo····Quartering of troops····Provincial forces····Money bill····Disputes····House resolve to send commissioners to England ····Franklin and Norris chosen···Instruction to commissioners····Military operations····Grant of money by parliament to New England colonies····Troops raised in Pennsylvania····Council of governors convened by lord Loudon···· Plan for the campaign····Failure of the expedition against Louisburg····Montcalm captures Ticonderoga and Crown Point····New levy of troops by the province·····Affair of William Moore····Singular resolutions of the assembly···· Thomas Leech elected speaker·····Financial estimate and revenue····Apathy of the province····Spirit of Pitt····Plan of campaign·····Abercrombie repulsed from Ticonderoga ····Captures Frontignac····Treaty with the Indians····Provincial forces···Relaxation of the governor's opposition to tax the proprietary estates···Altercation between the governor and provincial commissioners···Progress of general Forbes ····Capture of fort Du Quesne····Provincial measures···· Indian treaty····Plan of campaign····Forts and fleet of the French on Champlain captured·····Niagara taken····Siege of Quebec····Rejoicings on its capture····Proceedings and success of Mr. Franklin···Re-appointment of James Hamilton deputy-governor.

The arrival of governor Denny was hailed by the assembly with great joy.* With the change of governors, they

* August 20, 1756.

flattered themselves there would be a change of measures; and resolved that whatever favourable disposition he might have towards them, should not be chilled by inattention on their part. They not only cordially accepted an invitation to a public entertainment prepared for him by the city corporation, but gave him a splendid fete at the state house, to which the former governor, the mayor and corporation, civil and military officers, clergy, and strangers were invited. They congratulated him upon his *accession* to the government, which they trusted would be as happy to the province as they had resolved to make it easy and comfortable to himself. And, in testimony of their sincerity, they, with this propitiatory address, presented him the sum of six hundred pounds.

But they were not long deceived by their hopes in their new governor. That they might not legislate in vain, on subjects connected with the proprietary interests, they frankly demanded a copy of his instructions in this particular, which he as frankly gave. From these it appeared, 1, That, to deprive the assembly of the sole power to dispose of the provincial funds, he was forbidden to assent to any bill, emitting, re-emitting, or continuing, the paper currency, or raising money by excise or otherwise, that did not provide for the special appropriation of the proceeds, or place them at the disposition of the governor and assembly jointly: 2, That he was forbidden to pass any bill increasing the paper currency more than forty thousand pounds, or to confirm the existing issues, unless provision were made for the payment of the proprietary rents in sterling money, or by an equivalent, similar to that given by the 12th of his majesty's reign: 3, That he was prohibited to assent to any act imposing a tax on real or personal estate, longer than one year, and whose tenor was not as near as possible to the annual tax laws of England; and which did not assess the annual value only of the real, and the capital of the personal, estate, by a mode of assessment prescribed in the bill, exempting unoccupied and unimproved lands, and proprietary quit-rents, and not exceeding in amount four shillings per annum, on the yearly value

of estates. Permission, however, was given to subject to taxation, the proprietary manors or lands actually leased for lives or years, provided the tax was made payable by the tenants, to be deducted from their rents only when above twenty shillings, and that it should in no case be a lien upon the land. In these instructions, the house beheld the most serious impediments to the necessary supplies, and earnestly entreated the governor to say, whether he would adhere to them, should the plans they might submit have the approbation of his own judgment. He replied, that he could not recede from them without risking his honour and fortune.

The assembly now turned themselves to the excise, as the only eligible mode of raising money. It had hitherto produced annually three thousand pounds, and a future product of like amount was calculated upon, to redeem, in twenty years, an issue of bills of sixty thousand pounds, of which the house designed to appropriate ten thousand pounds to the general American fund; ten thousand to the payment of the debts contracted for provisions for Braddock, and for the troops at Crown Point, and other services; and the residue to be disposed of for the king's use, under the direction of a committee of the house, with the consent and approbation of the governor. The control of the product of the excise, beyond three thousand pounds per annum, was reserved to the assembly alone. The governor objected to the length of the term, and to every appropriation in the bill, except that which was made to the commissioners and himself; and, after two conferences, he answered a long argumentative remonstrance with the laconic declaration, "That he would not pass the bill; and, there being none to judge between him and them in the province, he would immediately transmit his reasons to his majesty."

On receipt of this message, the house resolved that the proprietary instructions were arbitrary, unjust, an infraction of their charter, and a violation of their rights as English subjects; that their excise bill was similar to former laws, approved by the king, and was not inconsistent with their duty to the crown, or with the rights of the proprietaries; that the right

of the assembly to grant supplies under such conditions as they deemed proper for the public service, was an essential part of their constitution; that the frivolous objections of the governor were intended to embarrass the representatives of the people, to prevent them from providing effectually for the defence of the country, and thereby to render them odious to their sovereign, and to their fellow subjects; that the additional restrictions now imposed on the passage of money bills were tyrannical, cruel, and oppressive to the people, and injurious to the king's service; since, should the assembly adhere to their rights, the province must be thrown into confusion, abandoned to the enemy, and lost to the crown; therefore, reserving in full extent their rights on future occasions, and protesting against the proprietary instructions and prohibitions, they, in duty to the king, and in compassion to their suffering fellow subjects, in humble, but full confidence of the justice of his majesty and the British parliament, waived their rights on the present occasion only, and prepared a new bill conformably with the proprietary instructions, granting a sum of money to the king's use. This bill provided for striking thirty thousand pounds in bills of credit, to be sunk by the excise within ten years, for the payment of the debts contracted by the commissioners of the sixty thousand pounds act, and the application of the balance by a committee of the house, with the approbation of the governor. This act received the sanction of the governor.

Benjamin Franklin, from the committee to whom the proprietary instructions were submitted, made a report immediately after the passage of the excise law, in which the justice and policy of these instructions were examined with great acumen and force. The jealousy of the power reserved by the assembly over the public funds was ascribed to the desire of the proprietaries to convert the occasional presents made by the house to their lieutenants, into a permanent salary; because, the governors, having a control over the treasury, would make their own terms on the passage of a money bill. The demand of the proprietary rents at the current rate of exchange was declared extortionate, because a

bill of exchange, besides the difference of exchange, included freight, commissions, and insurance, on the transport of its value, and was in fact a payment by the people of their rents in London. The large sums remitted to the proprietaries, without return, tended to raise the exchange, and enabled them to enhance or depress its rate at pleasure. The depreciation of money was a common calamity, and should be borne by the proprietaries in common with the people, and any exemption they had extorted as the purchase of a law could form no precedent for future legislation. The immunity from taxation, claimed by the proprietaries, was supported by a deceptive statement of facts, and sophistical argumentation. It was assumed that their unsettled lands produced no annual profit. This was true only of wild tracts; but their located tracts and manors were of choice quality, selected by the proprietary surveyors, before the land office was opened, and retained for a market until the surrounding lands were sold and settled. Their value was thus so prodigiously increased that they were now worth, on an average, three hundred pounds the hundred acres, though originally estimated only at fifteen pounds the hundred. The Conestoga manor was cited as an instance of this great and progressive increase of value. In 1726, lands in that vicinity, of the first quality, were sold at forty pounds the hundred. The manor containing seventeen thousand acres was then laid out and reserved; and, though not even now cultivated, the lands were estimated, and held at three hundred and fifty pounds the hundred, near eight hundred per cent. advance. "Can an estate," exclaimed the committee, "thus producing twenty-five per cent. per annum on the prime cost, be called an estate yielding no annual profit?" "And yet," they continued, "the governor is bound to observe and enforce these unjust pretensions, and must see the king's province perish before his eyes rather than deviate from them a single tittle. This we have experienced within a few days, when advantage being cruelly taken of our present unhappy situation, the prostrate condition of our bleeding country, the knife of the savages at her throat, our soldiers ready to mutiny for want of pay and ne-

cessaries, our people flying in despair from the frontier for want of protection, the assembly was compelled (like Solomon's true mother) to waive her right, to alter our money bills, abridge our free grant to the crown by one-half, and, in short, to receive and enact a law not agreeable to our judgments, but such as was made for us by proprietary instructions, and the will and pleasure of the governor's council; whereby our constitution and the liberties of our country are wounded in the most essential part, and even violated and destroyed." The proprietaries had ventured to charge the assembly with the design to tax their estates disproportionately, and to relieve the people by laying upon them the greater portion of the burden. To this charge the committee returned the following retort courteous. "They had as little *inclination* as *authority* to wrong them. They have not, it seems, *authority* enough to oblige them to do *justice*. As to their inclination, they bear, every one of them, and maintain the character of honest men. When the proprietaries shall be *truly* willing to bear an equitable part of the public burden; when they shall renounce their exorbitant demand of *rent as the exchange shall then be;* make restitution of the money which they have exacted from the assemblies of this province, and sincerely repent of their extortion, they may then, and not till then, have some claim to the same *noble title.*"

Governor Morris had procured and forwarded to London a petition of sundry inhabitants of Pennsylvania, to the king, representing the defenceless state of the province, and praying his interposition. The petitioners were heard before a committee of the privy council, by Mr. Paris, their agent, and Messrs. Yorke and Forrester, his counsel, and the assembly by Messrs. Sharp, Henly, and Pratt. The committee condemned the conduct of the assembly in relation to public defence since the year 1742, and declared, that their construction of their charter, by which they claimed exemption from military service, and imposed the duty of protecting the province solely upon the proprietaries, was altogether erroneous; and that if such were the duty of the proprietaries,

their power, however great in words, was inefficient, unless supported by compulsory militia laws, and proper and constitutional appropriations of money for military purposes. "It was true," they said, "the counsel of the assembly had insisted that proper aid had been given by a militia law, and by the provision of adequate funds. But the militia law was in every respect the most improper and inadequate that could have been framed, and was calculated rather to exempt persons from military services, than to promote and encourage them. It prescribed no penalty to compel the people to associate in defence of their country, or to oblige such as were conscientiously scrupulous of bearing arms, to procure substitutes, or provide for the forces which the executive might organize. The officers were elective by ballot, and no means were adopted to enforce subordination. It forbade the enlistment of persons under the age of twenty-one years, the march of the men more than three days' journey from the inhabited parts of the province, and their detention in garrison for more than three weeks. The preamble of the act tended to destroy what little was valuable in the law, by declaring that the majority of the assembly was principled against bearing arms, and that a compulsory law for that purpose was unconstitutional, and a breach of the privileges of the people." "Money," they continued, "had been appropriated, and placed in the hands of a committee of the house, for supplying friendly Indians, holding of treaties, relieving distressed settlers, who have been driven from their lands, *and other purposes* for the king's use; but not a word was said of military service. And, though it was contended that the words "other purposes" admitted of such construction, it was not to be presumed that the committee, who had the direction of the money, part of, and appointed by the assembly principled against military service, would so construe them.

From these views, the board were of opinion that "the legislature of Pennsylvania, as of every other country, was bound, by the original compact of government, to support such government and its subjects; that the measures intended

by the assembly for that purpose were improper, inadequate, and ineffectual; and that there was no cause to hope for other measures, whilst the majority of the assembly consisted of persons whose avowed principles were against military services; who, though not a sixth part of the inhabitants of the province, were, contrary to the principles, the policy, and the practice of the mother country, admitted to hold offices of trust and profit, and to sit in the assembly without their allegiance being secured by the sanction of an oath." This report was adopted by the privy council, and a copy directed to be sent to the province.

The Quakers had been greatly exercised by their labours in the assembly. In declining to exert themselves to procure an election, they were willing to think they had done all that was necessary to avoid a situation incompatible with their principles, and they suffered themselves to be returned, especially by the Germans, who sought in their religious scruples a protection against taxes and military labours. But, whatever their consciences might dictate, they saw that men and money were absolutely necessary to resist the enemy, and were, for a season, content to vote for money bills, unequivocally intended to maintain the war, because the special object was not expressly designated, and to enact a militia law, permitting, but not compelling, the people to bear arms, though it was avowedly designed to render the military force of the country more effectual. But these things were not done without some wincing. The Quakers protested against the payment of war taxes, and some Friends, members of the house, entered their dissent on its journals against the money bills, and finally resigned their seats; some declined a re-election, while others still flattered themselves to reconcile their consciences with the measures of the assembly. But, when the opinions of the ministry, on the conduct of the Quakers, were communicated to the house, a portion of these deemed it prudent to retire; and writs were issued for filling the places of Mahlon Kirkbride, William Hoge, Peter Dicks, and Nathaniel Pennock.

At the instance of lord Loudon, pursuant to royal instructions, governor Denny proposed to the assembly to lay a general embargo. But this measure was so strenuously opposed by the merchants, and by agents from the West Indies, that the house refused to adopt it, unless with such modifications as the governor deemed fatal to the object. But, by orders of the ministry, an embargo was laid on all vessels loaded with provisions, not bound to any other colony. Vessels thus destined were permitted to sail, on bond given to land the cargo at the port designated in the clearance. This restriction was continued for a long time, and was grievously complained of by the merchants, and protested against by the assembly, in vain. The stock of provisions was greatly accumulated, and the cargoes of forty vessels, loaded at the wharves, were perishing, whilst Great Britain, Ireland, and the West Indies, were suffering for food. The assembly had provided by law for quartering troops upon the inn-keepers at fixed rates; but, some difficulties occurring in obtaining proper accommodation for all the soldiers, though the number of inn-keepers in the city alone amounted to one hundred and seventeen, the governor billeted them upon the private houses. This measure gave great offence to the assembly, who remonstrated against it; and, with much difficulty, procured the troops to be quartered according to law. The house prepared a new militia bill, by which all the male inhabitants were subjected to military duty, commutable for a fine, recoverable in the ordinary courts of justice. The officers, however, were still elective, for which reason the governor objected to the bill. He also required that persons alleging conscientious scruples against bearing arms, should appear in open court, and declare to what society they belonged; that they were truly and religiously opposed to war; and that a court-martial should be authorized to punish by death or otherwise, as was provided by the English militia bill. But the house, unwilling to strengthen the hands of the executive, by giving him the appointment of the officers, and to lodge such powers in courts-martial, refused to re-model their bill.

The necessity of a militia law was, in a great measure, obviated, by the forces raised by the governor and provincial commissioners. They consisted of twenty-five companies, amounting to fourteen hundred men. Eight companies, under the command of major James Burd, called the Augusta regiment, were stationed at fort Augusta: eight companies on the west side of the Susquehannah, commanded by lieutenant-colonel Armstrong, called the second battalion of the Pennsylvania regiment, were thus divided—two companies at fort Lyttleton, on Aughwick creek, which empties into the Juniata river; two companies on Conococheague creek, which communicates with the Potomac; two companies at fort Morris, in Shippensburg, and two companies at Carlisle: nine companies, called the second battalion of the Pennsylvania regiment, commanded by lieutenant-colonel Conrad Weiser, were thus distributed—one company at fort Augusta; one at Hunter's mill, seven miles above Harrisburg, on the Susquehannah; one half company on the Swatara, at the foot of the North mountain; one company and a-half at fort Henry, close to the gap of the mountain, called the Tothea gap; one company at fort William, near the forks of the Schuylkill river, six miles beyond the mountain; one company at fort Allen, at Gnadenhutten, on the Lehigh; the other three companies were scattered between the rivers Lehigh and Delaware, at the disposition of the captains, some at farm-houses, others at mills, from three to twenty in a place. These forces, however, were indifferently provided with arms and ammunition. At fort Augusta, there were eight cannon, but only one hundred and four round shot, and a small quantity of grape. The Augusta regiment, and Armstrong's battalion, had once been supplied with arms, but they were much lessened by desertion, or injured by the falling of the men, in crossing the mountains, whilst ranging, and could not be repaired for want of armourers. Even flints were wanting; none of the troops having any that could be depended upon. In Weiser's battalion, there were one hundred and ninety good muskets, and one hundred and thirty-one out of order; the rest had been supplied by the men, on the promise of a

half dollar per month for their use, who refused to employ them on that allowance being withdrawn. Burd's and Armstrong's regiments were duly supplied with provisions by contractors; but Weiser's battalion had as many victuallers as companies; their provisions were carelessly and irregularly delivered, and their posts constantly endangered by famine. The officers were chiefly German, without education or experience, who injured the service, by disregard of discipline and subordination. The annual expense of this whole force was sixty-four thousand six hundred and fifty-five pounds, for pay and provisions, independent of incidental charges.* The assembly had endeavoured, through governor Morris, to procure arms from England; but their supply was delayed, in consequence of the limited stock of the government. After considerable exertion on the part of the proprietaries, some brass and other cannon were obtained from the national arsenals at stipulated prices, and a quantity of fusees and muskets were purchased from the manufacturers, and shipped for the province.†

Before governor Morris was superseded, he concerted with colonel Armstrong an expedition against the Indian town of Kittanning, on the Allegheny, about twenty-five miles above Pittsburg, the strong hold of captains Jacobs and Shingas, the most active Indian chiefs, and from whence they distributed their war parties along the frontier. On the arrival of governor Denny, Morris communicated the plan of this enterprise to him and his council.

Colonel Armstrong marched from fort Shirley on the thir-

| | s. | d. | |
|---|---|---|---|
| * 3 lieutenant-colonels at | 17 | 0 | per day. |
| 3 majors at | 15 | 0 | ,, |
| 25 captains at | 10 | 0 | ,, |
| 25 lieutenants at | 5 | 6 | ,, |
| 25 ensigns at | 4 | 0 | ,, |
| 50 sergeants at | 2 | 0 | ,, |
| 50 corporals at | 1 | 8 | ,, |
| 25 drummers at | 1 | 8 | ,, |
| 1200 privates at | 45 | 0 | per month. |

| | s. | d. | |
|---|---|---|---|
| 2 chaplains at | 6 | 8 | per day. |
| 2 surgeons at | 7 | 6 | ,, |
| 1 commissary of stores at | 10 | 0 | ,, |
| 1 commissary of musters and paymaster at | 10 | 0 | ,, |
| Provision for 1400 men at | 5 | 0 | per week. |

† Letter of T. Penn.

tieth of August, with three hundred men, having with him, beside other officers, captains Hamilton, Mercer, Ward and Potter. On the second of September he joined an advance party at the Beaver dams, near Frankstown. On the seventh, in the evening, within six miles of Kittanning, the scouts discovered a fire in the road, and, around it, as they reported, three, or, at most, four Indians. It was deemed prudent not to attack this party; but lest some of them should escape and alarm the town, lieutenant Hogg, and twelve men, were left to watch them, with orders to fall upon them at day-break. The main body, making a circuit, proceeded to the village. Guided by the whooping of the Indians at a dance, the army approached the place by the river, about one hundred perches below the town, at three o'clock in the morning, near a cornfield, in which a number of the enemy were lodged, out of their cabins, on account of the heat of the weather. As soon as the dawn of day made the town visible the troops attacked it through the cornfield, killing several of the enemy. Captain Jacobs, their principal chief, sounded the war-whoop, and defended his house bravely through loopholes, in the logs; and the Indians generally refused quarter, which was offered them, declaring that they were men, and would not be prisoners. Colonel Armstrong, who had received a musket ball in his shoulder, ordered their houses to be set on fire, over their heads. Again the Indians were required to surrender, and again refused; one of them declaring he did not care for death, as he could kill four or five before he died, and as the heat approached, some of them began to sing. Others burst from their houses, and attempted to reach the river, but were instantly shot down. Captain Jacobs, in getting out of a window, was shot, as also a squaw, and a lad called the king's son. The Indians had a number of small arms in their houses loaded, which went off in quick succession as the fire came to them; and quantities of gunpowder, which were stored in every house, blew up from time to time, throwing some of the bodies of the enemy a great height in the air. A party of Indians on the opposite side of the river fired on the troops, and were seen to cross

the river at a distance, as if to surround them; but they contented themselves with collecting some horses which were near the town to carry off their wounded, and then retreated without attempting to take from the cornfield those who were killed there in the beginning of the action. Several of the enemy were killed in the river as they attempted to escape by fording it, and between thirty and forty in the whole were destroyed. Eleven English prisoners were released, who informed that, besides the powder, of which the Indians boasted they had enough for ten years' war with the English, there was a great quantity of goods burnt, which the French had presented to them but ten days before; that two batteaux of French Indians were to join captain Jacobs, to make an attack upon fort Shirley, and that twenty-four warriors had set out before them on the preceding evening. These proved to be the party discovered around the fire, as the troops approached Kittanning. Pursuant to his orders, and relying upon the report made by the scouts, lieutenant Hogg had attacked them, and killed three at the first fire. He, however, found them too strong for his force, and having lost some of his best men, the others fled, leaving him wounded, overlooked by the enemy in their pursuit of the fugitives. He was saved by the army on their return. Captain, afterwards general Mercer, was wounded in the action at Kittanning, but was carried off safely by his men.*

The corporation of Philadelphia, on occasion of this victory, on the fifth of January, 1757, addressed a complimentary letter to colonel Armstrong, thanking him and his officers for their gallant conduct, and presented him with a piece of plate. A medal was also struck, having for device, an officer followed by two soldiers: the officer pointing to a soldier shooting from behind a tree, and an Indian prostrate before him. In the back ground Indian houses in flames. *Legend,* Kittanning destroyed by colonel Armstrong, September the eighth, 1756. *Reverse Device.* The arms of the corporation. *Legend,* The gift of the corporation of Philadelphia.

* Penn. Gazette. Prov. Records.

The destruction of the town of Kittanning, and the Indian families there, was a severe stroke on the savages. Hitherto the English had not assailed them in their towns, and they fancied that they would not venture to approach them. But now, though urged by an unquenchable thirst of vengeance to retaliate the blow they had received, they dreaded, that in their absence on war parties, their wigwams might be reduced to ashes. Such of them as belonged to Kittanning, and had escaped the carnage, refused to settle again on the east of fort du Quesne, and resolved to place that fortress and the French garrison between them and the English.

Further funds having become necessary, the house prepared a bill for levying one hundred thousand pounds upon all estates, real and personal; the governor again objected his instructions against including the proprietary estates, and the house again combatted them in vain, the necessities of the province wringing from them a reluctant assent to exempt these estates from taxation. But, though compelled by danger and distress to pass the bill against their better judgment, the assembly were not disposed to suffer quietly the inequality which had thus been created between the proprietaries and their fellow subjects. They determined to send commissioners to England to lay their grievances before the throne, and to solicit redress. Messrs. Norris and Franklin were selected for this purpose; the departure of the former being delayed by his private affairs, and the state of his health, it was resolved that the latter should proceed as general agent of the province; and the sum of fifteen hundred pounds was allowed him for his expenses. This appointment was made before the passage of the last money bill, and Franklin waited, at the request of lord Loudon, that he might attend a conference with the governor, designed by that nobleman to accommodate the differences between him and the assembly. Against the arguments of Franklin, the governor pleaded his instructions, the bond he had given to observe them, and his ruin if he disobeyed, but was disposed to hazard himself if his lordship would advise it. But this his lordship would not do. Franklin was detained some time at New York by the inde-

cision and procrastination of this nobleman, which delayed the sailing of the packets for near two months.* He arrived in London on the twenty-seventh of July, 1757. His instructions were based chiefly upon the report of the committee to the assembly, which we have already noticed, and embraced five distinct heads. 1, The illegal restrictions on the lieutenant-governors: 2, Particular restraints upon the passage of money bills, contrary to the privileges of the assembly, who had a right to grant aids and supplies to his majesty, and to be the sole judges of the measure, manner, and time of raising and granting them: 3, The attempts of the proprietary to control the assembly in disposing of the money arising from the public loans and excise: 4, Their refusal to suffer their located, unimproved, and unoccupied lands, quit-rents, fines, and purchase monies on interest, the much greater part of their enormous estates in the colony, to be taxed: and 5, The appointment of the judges of the supreme court, and courts of common pleas, during pleasure, contrary to the laws of England, and the practice under William Penn in the province. He was also instructed to represent the injury the colony sustained by the enlistment of servants, and the maintainance of a frontier barrier, protecting Maryland, the counties on Delaware, and New Jersey, without aid from either.

Of the many enterprises resolved upon by general Shirley and his council of governors, for 1756, none were successful, and several were unattempted. Notwithstanding the exertions in the northern provinces, the recruiting service moved heavily. Much time was lost by the change of commanders, and the season for military operations was nearly half spent before the arrival of lord Loudon. No preparations were made to attack fort Du Quesne. The colonies of Virginia, Maryland, and Pennsylvania, so far from pursuing offensive measures, were unable to protect themselves. The enterprise against Ticonderoga and Crown Point was confided to general Winslow, whose reputation and influence had been greatly increased by his conduct during the last campaign in

* Franklin's Life.

Nova Scotia. Seven thousand provincialists were assembled in the vicinity of lake George, but this force was reduced by subtraction of the necessary troops for the garrisons in the rear. Winslow refused to proceed with this army without reinforcements; and, though he was soon after joined by a body of British troops under general Abercrombie, he was much delayed by disputes, with respect to rank, the effect of this junction. The regulations of the crown, on this subject, had given great offence in America; and such was the reluctance of the provincialists to serve under British officers, that, in the present case, in order to enable the troops to act separately, the Americans were withdrawn from the garrisons to the army, and their places supplied by the British forces. The expedition to Ontario was rendered hopeless, by the successes of the French under Montcalm, who had captured the forts of Ontario and Oswego, situate on either side of the Onondago river, at its junction with the lake; and these forts, placed in the country of the Five nations, he, with sound policy, destroyed in their presence.

Discouraged and disconcerted by this event, Loudon relinquished all offensive operations, and endeavoured to secure himself from further loss, by disposing his troops for the protection of the frontiers; and, though renewed efforts were made to raise additional forces among the northern colonies, and these efforts were aided by the payment of one hundred and fifteen thousand pounds sterling by the mother country, for the extraordinary expenses of the preceding year, they were all rendered abortive by the appearance of the small-pox at Albany. The troops on their march from New England, and the army at lake George, were panic-struck, by the irruption of an enemy more dreadful than the French; and it was found necessary to garrison all the posts with British troops, and to discharge all the provincialists, excepting a regiment raised in New York. "Thus terminated, for a second time, in defeat and utter disappointment, the sanguine hopes formed by the colonists, of a brilliant and successful campaign. Much labour had been employed, and money expended, in collecting by land from a great distance, troops,

provisions, and military stores at Albany, the place of general rendezvous; and in transporting them from thence, through an almost unsettled country, to lake George. After all the expensive and laborious preparations, not an effort had been made to drive the invaders even from their outposts at Ticonderoga."*

The negotiations for peace, which had been commenced with Teedyuscung, the chief of the Delaware and Shawanese tribes on the Susquehannah, had neutralized these, but the province was still exposed to continued devastation, from the French, and western Indians, who roamed in small parties over the country, avoiding or attacking the forts and armed provincialists as they judged most safe. The counties of Cumberland, Berks, Northampton, and Lancaster, were, during the spring and summer months of 1757, kept in continual alarm, and some of the savage scalping parties were pushed on to within thirty miles of Philadelphia. Many of these wretches paid, with their lives, the just penalty of their temerity. But their sufferings bore no comparison with those of the unfortunate inhabitants. Incessant anxiety pervaded every family in the counties we have mentioned; their slumbers were broken by the yell of demons, or by the dread of an attack, scarce less horrid than their actual presence. The ground was ploughed, the seed sown, and the harvest gathered, under the fear of the tomahawk and rifle. Scarce any out-door labour was safely executed, unless protected by arms in the hands of the labourers, or by regular troops. Women visiting their sick neighbours were shot or captured; children driving home cattle from the field were killed and scalped; whilst the enemy, dastardly as cruel, shrunk from every equality of force. Many of the richest neighbourhoods were deserted, and property of every kind given up to the foe. Many instances of heroism were displayed, by men, women, and children, in the defence of themselves and their homes, and in pursuing and combatting the enemy. There was certainly a great want of ability and energy in the

* Marshall.

constituted authorities and the people of the province. United councils, and well-directed efforts, might have driven the barbarians to their savage haunts, and repeated the chastisement they received at Kittanning, until they sued for peace. But imbecility distinguished the British ministers and officers, and discord paralyzed the efforts of the provinces, especially that of Pennsylvania.

The assembly of Pennsylvania had adjourned from April to August, but were convened on the last of May by the governor, to consider the command of the ministry to all the provinces, to raise as many men as possible for the general service, besides the force necessary for their protection individually; and to enable him to send two hundred of the provincial forces to South Carolina. These forces he had promised to lord Loudon, to be despatched with five companies of the first battalion of the royal American regiment, in consideration that the remaining five companies of that battalion should be left under colonel Stanwix for the defence of the Pennsylvania frontier. The house enabled the governor to keep his promise, by granting an additional bounty on enlistment, but this was not obtained without a long and vexatious dispute.

Lord Loudon, in the middle of January, summoned the governors of the New England provinces to New York. In no very good humour, he attributed to them the disasters of the last campaign. "Their enterprise against Crown Point," he said, "had not been timely communicated to the ministry; their troops were inferior to his expectations, disposed to insubordination, and less numerous than had been promised: the true state of the forts and garrisons had not been reported to him, and the provincial legislatures had given him votes, instead of men and money." He concluded this reprimand with a requisition of additional troops from New England, New York, and New Jersey. The spirit of the colonists was not to be broken by misfortunes, though caused by the incapacity of their commander, nor perverted by his reproaches: his demands were complied with, and he was

placed in the spring at the head of a respectable army, to tempt his fortune under his own star.

The failure of the past year was attributed to the multiplied objects of the campaign, and the consequent division of the forces. Unity of design, and concentration of the troops, it was presumed, would ensure success. It was resolved to attack Louisburg, and Halifax was fixed for the rendezvous of the fleet and army. In the beginning of July, admiral Holburn arrived there with a large squadron and five thousand land forces; and, after many delays, was joined by lord Loudon, with six thousand regulars. The mother country and her colonies very properly anticipated much from this formidable armament. But the procrastination of lord Loudon doomed his country and himself to disappointments. The French occupied the harbour of Louisburg with a superior force, despatched from Brest, composed of six thousand troops, and seventeen line-of-battle ships, against which the English commander was not disposed to make an effort.

The French, however, lost no time in availing themselves of the advantages to be derived from the withdrawal of the British troops from New York. Montcalm, at the head of nine thousand men, drawn principally from Crown Point, Ticonderoga, and the neighbouring forts, with some Canadians and Indians, laid siege to Castle William, on the southern shore of lake George. The place was garrisoned by three thousand men, and was well fortified, and supplied with necessaries; but colonel Monroe was compelled to surrender within six days after its investment. Montcalm's victory was stained by the barbarities of his Indian allies; and, though he exerted himself to protect his prisoners, the massacre of many of them will ever be coupled with his name. The exertions of major-general Webb, in collecting troops in addition to his garrison, then four thousand strong, checked the march of Montcalm, until the return of Loudon to New York. This nobleman afforded to the colonies sufficient evidence, that want of judgment, foresight, and activity, was not peculiar to Americans.

In communicating this disastrous intelligence to the assembly, governor Denny said, "It is not my intention to aggravate our present distress by a painful review of what is past: but can I, gentlemen, consistent with my duty, forbear to mention that this province has been the unhappy seat of cruel war for upwards of two years, groaning under the bloody outrages of a most barbarous enemy, the troops sent to our protection defeated and destroyed, our borders pillaged and laid waste, great numbers murdered, and carried into captivity, and eleven thousand of the enemy at this instant in the heart of a neighbouring province, at present carrying all before them; while we, amidst this series of misfortune, are neither put into a sufficient posture to defend ourselves, nor have power nor authority, out of the vast number of fighting men this government contains, to send a single man of them to the relief of our neighbours, without calling in the ranging parties, which are constantly out, and evacuating the few garrisons we have on our frontiers, now more than ever necessary for their defence. These things, gentlemen, are so surprising in their nature, that they would exceed all credibility, if the facts were not too flagrant, and too fatally felt. Let me entreat you, therefore, if you make a distinction between liberty and slavery, between your inestimable privileges as Englishmen, and a miserable subjection to arbitrary power, to embrace this opportunity, perhaps the last, to retrieve, as much as possible, former errors, and to act vigorously, as your all is now at stake." He then earnestly recommended that volunteers should be raised in Philadelphia and its vicinity, and despatched to New York, as no troops could be spared from the frontiers, the immediate enactment of a militia law, and the improvement of the favourable disposition of the Indians.

The house instantly authorized him to raise the troops required, or to draw from the frontier garrisons one thousand men. Should the latter be preferred, and recommending that as the best plan, they advised that the place of these troops should be filled by the border inhabitants, who, notwithstanding the presence of the regulars, were compelled to be con-

stantly on the alert, and were willing now to enlist for garrison and ranging duty. This species of force had been found most effectual at the commencement of hostilities, and might now be readily obtained by offering commissions to those who would raise companies.

The disputes between the governor and the assembly had hitherto turned upon public measures, and though he had repressed the exertions of the province by his devotion to the proprietaries; yet he found some extenuation of his conduct in his instructions and situation. But a new quarrel now arose, in consequence of his perversion of the powers of his office to protect a partisan, whose alleged abuse of judicial power and magisterial functions, had drawn upon him the public censure. Numerous petitions were presented to the assembly against William Moore, president of the court of common pleas of Chester county, charging him with gross misconduct in his office. Moore having received a copy of the charges against him, and a notification to appear before the house, made wilful default. The assembly, after investigation, resolved that he was guilty of arbitrary, extortionate, and fraudulent practices, in manifest violation of his duty, and to the great oppression of the people, and that the governor should be requested to remove him from his offices of judge of the common pleas, and justice of the peace, and such other public employments as he might hold. But this request the governor refused until he should examine the allegations against Moore, and hear his defence. Though neglecting to plead before the house, Moore, in reliance on the favourable disposition of his judge, made a formal defence in writing before the governor. Of this he published a copy, containing, in the language of the assembly, many "injurious charges, and slanderous aspersions against the conduct of the late assembly, and highly derogative of, and destructive to, the rights and privileges of the house." And Mr. Smith, the college provost, who had provoked the ire of the former assembly by the freedom of his correspondence, on the supposition of having written this offensive address, was arrested with Moore on the warrant of the house, by the sergeant-at-

arms. Drs. Thomas and Phineas Bond, and Michael Lovell, were summoned instantly before the house, to testify their knowledge of this libel. Doctor P. Bond only was examined. He declined to answer any questions until he had time allowed him for recollection, and an opportunity of consulting his friends; and for this purpose he asked that the questions of the house should be reduced to writing. This was immediately done, and the house urged his reply, as nothing was demanded of him prejudicial to himself or Moore, to whom he was related; their inquiries being altogether in relation to Smith, to whom he was not publicly known to owe any obligations. He was then asked whether, to his knowledge, a paper, containing the substance of an address, presented to the governor, and subscribed William Moore, was corrected, altered, and amended at any time whatever by William Smith? Refusing a categorical answer to this question, he was committed to the sergeant-at-arms. Willing, however, to try the effect of lenity, or in consideration, as they declared, of his general good character, and connexion with the parties, the house assured him that no testimony he should give on this occasion should inculpate himself. Still he preserved silence, even though his silence was voted a contempt to the authority and powers of the house, and to have a manifest tendency to suppress the truth, and obstruct public justice; and that he should remain in custody until he consented to answer, or should be enlarged by the house, occluded from all but his keeper. But soon after, some facts being disclosed, which, alone, Bond felt he was required in honour to conceal, his obligation of secrecy ceased, and he answered freely to the demands of the house.

Pending the inquiry relative to Smith, the governor informed the house, that in consequence of their application he had resolved strictly to investigate Moore's conduct, and if he found him guilty, to make a public example of him; and that he had appointed that day (January the ninth) to hear him before council, at the state house, but that he was informed that Moore was closely confined by their order. He made this communication, he said, to show them how sincerely he

was disposed to do every thing in his power consistent with justice in this matter, and that no delay should be imputed to him. In this message, however, he neglected to account for the delay that had occurred since the application of the house. The house, in their reply, justified their application for Moore's dismissal from office, on his refusal to appear and take defence, and urged the governor's compliance with their request on the precedents of parliament. They denied his right to inquire judicially into Moore's conduct, unless sitting as a court of impeachment, in which case notice should be given them, that they might prepare articles, and appoint a committee to prosecute them. And they demanded a day for the trial of Moore, on such articles as they should prefer, proposing that the sergeant-at-arms should attend with the prisoner, or deliver him over to the custody of such person as the governor should appoint. But the governor would not suffer the matter to take this course.

Moore being brought before the house, was shown the printed address and manuscript. He admitted that he was the author, though it had been corrected by his friends before publication; but being called upon to answer new charges of official misconduct, he denied the jurisdiction of the assembly; upon which they declared him guilty of contempt, and adopted the following resolutions. 1, That to write or publish any matter reflecting on the assembly, or a member thereof, relating to service therein, was a high and manifest violation of privilege. 2, That to assert directly or indirectly that the assembly had not power to examine and redress the complaints of the people against public officers, or in any other case where the subject was oppressed, was destructive of the privileges of the house, and subversive of a fundamental and essential power of the constitution. 3, That Moore having acknowledged himself the author of a libellous address, should be committed to the common jail, until he should retract the aspersions and falsehoods contained therein, in such manner as the house should approve; or obey such other order as they should make during the continuance of the present

assembly; and that the address should be burned by the common hangman.

A day being assigned for Smith's trial, he was directed to obtain counsel. He proposed Mr. Chew, but he being attorney-general, the house deemed it improper for him to defend one charged by the public. Mr. Ross appeared for the prisoner, and proposed to consider three points. 1, The authority of the present house to punish persons charged with libelling the former assembly. 2, How far the paper in question was a libel. 3, The guilt of Smith as an abettor. The assembly overruled the two first, and determined the last against him by a large majority. During the trial, some evidence, by similarity of hand-writing, had been given against the prisoner, which the house unanimously resolved should have no weight to determine his guilt or innocence. Smith also was sentenced to imprisonment until he should give satisfaction to the house for his offence.

The public mind had been greatly excited by this inquiry; and several efforts were made by the governor's party to get Smith's case out of the hands of the assembly. His friends petitioned that he might be delivered to bail; and his counsel, after judgment, prayed an appeal to the king in council. Both were refused; and the speaker informed Smith that his submission would prevent the necessity of bail to avoid commitment. To this he replied, "that as no evidence had been adduced sufficient for his conviction, and as others more culpable than he, had been dismissed unpunished, he could not but view himself as singled out as the peculiar object of their resentment; that as he was not conscious of having given them any just cause of offence, or having violated the constitution, or infringed the rights of the people, he could not make acknowledgments, or profess sorrow or contrition for his conduct;" "and no punishment," he continued, striking his hand upon his breast, "which they could inflict would be half so terrible to him as suffering his tongue to give his heart the lie."

The lobby of the house was crowded with spectators of all parties. The friends of the prisoner, at the conclusion of his

speech, expressed their approbation by stamping of the feet, hissing, and clapping of hands. Orders were given immediately by the speaker, to close the doors, and stop those who had riotously insulted the house; and, subsequently, he issued his warrant for the arrest of James Young, paymaster of the forces, Thomas Lawrence, alderman, William Peters, one of the justices of the city and member of council, John Bell and John Wallace, merchants, William Vanderspeigle, Lyndford Lardner, Richard Hockley, and Charles Osborne. The three last denied all participation in the offence, and were acquitted—Lardner proving that he was not in the house at the time of its commission; Bell, Young, Wallace, Lawrence, Peters, and Osborne, made satisfactory acknowledgments, were reprimanded, and discharged on the payment of costs. Thomas Willing had not been accused, but appeared voluntarily, and confessed that he had inadvertently clapped his hands; and, having expressed his sense of the impropriety of his conduct, was dismissed. Moore and Smith were delivered to the sheriff, with a charge to refuse obedience to any writ of habeas corpus, that might be issued for their relief: yet, after near three months' imprisonment, they were liberated by one of the judges upon that writ, during the recess of the house; but, when the assembly again met, a new warrant was issued for their apprehension.

On this occasion, the assembly sacrificed to their vengeance, some of the most essential principles of political liberty. They had no right to inquire of, and punish, contempts against a former house. Their prohibition of public examination, by speech or writing, of the conduct of the representatives of the people, was an act of tyranny, equalled only by the special suspension of the habeas corpus act, by which judicial inquiry was prevented into the case of the culprits. The case of Moore and Smith, viewed on either side, was highly coloured by party feelings. Complaints had been made for many years against the former, and charges of the most flagitious character were supported by the oaths of respectable witnesses. The governor's entire disregard of the

remonstrances of the assembly, and his mock examination of Moore's case, from which he inferred that the petitions were entirely groundless, provoked the house, and drew them into the unconstitutional measures we have condemned. Smith, notwithstanding the prohibition of the assembly, prosecuted his appeal before the king in council, where it was determined, in June, 1758, that the assembly had assumed powers which did not belong to them, and that their conduct merited his majesty's high displeasure. The appellant was recommended to seek redress in the courts of the province.

The members of the assembly, however, continued to preserve the favour of the people, and the major part was again returned at the election in October, 1757. Isaac Norris was unanimously elected speaker, as he had been for many years, but, in consequence of ill health, he declined the service, and Thomas Leech, of Philadelphia county, was elected in his stead. Benjamin Franklin was re-appointed provincial agent at London, and Robert Charles and Richard Partridge his assistants. The estimate for the expenses of the year was one hundred and five thousand six hundred and sixty-four pounds, in which was included the charge of supporting a frigate, fitted out by the province for the defence of the river and bay of Delaware, and adjacent coast. The means to supply this expenditure were derived from the issue of eighty thousand pounds in bills of credit, redeemable by the usual tax on estates and polls, and a tonnage duty on all vessels entering the port; the last being specially appropriated to the maintainance of the provincial sloop of war. The military force for the year, first fixed at seven hundred men, was afterwards increased to a thousand, of which three hundred only were retained under the orders of the province; the remainder being placed at the disposition of the earl of Loudon.

These services, though promptly rendered, were the cold returns of duty. There was no enthusiasm, scarce a hope of success, to animate the people. The dilatory and indecisive character of lord Loudon did not inspire confidence; nor could they, in the uncertainty of his measures, perceive any

advantage to themselves. Unable to change the order of events, the assembly of Pennsylvania adopted the only wise course left to them—they resolved to suffer with patience, and to comply with the requisitions of the governor and commander-in-chief. From this state of apathy, they were aroused by the voice of William Pitt. The same enterprise, judgment, and firmness, which had raised England from the depths of humiliation, were now employed for the destruction of her enemies on the American continent. The plan of the campaign was wisely matured, and committed for execution to men who had reputations to sustain and fortunes to create. Loudon was recalled. Abercrombie commanded in chief, with Amherst for his second, aided by brigadiers Wolfe and Forbes. The fleet, consisting altogether of one hundred and fifty sail, was commanded by admiral Boscawen.

The designated objects of attack were Louisburg, the forts on the lakes, and fort Du Quesne, on the Ohio. Major-general Amherst, with twelve thousand men, aided by the fleet, laid siege to the first early in June, and captured it, after an obstinate defence of seven weeks. Five thousand six hundred prisoners, one hundred and twenty pieces of cannon, and a vast quantity of stores and ammunition, fell to the conquerors. The enemy during the siege lost, destroyed and captured, six ships of the line, and five frigates.

General Abercrombie, with the main body, composed of seven thousand regulars and ten thousand English troops, undertook the expedition against the northern forts.* He first attempted Ticonderoga, a fort erected by the French in 1756, on the narrow neck of land which divides lake George from Champlain. Its position, strong by nature, was well secured by art, and defended by a garrison of five thousand men. Relying on his superior force, the general made his attack without artillery, which, from the badness of the roads, could not keep pace with the army. He was repulsed with the loss of two thousand men killed and wounded; among

* July.

the former was brigadier-general lord Howe, with many officers of distinction; the number of the latter was inconsiderable. Though still superior to the enemy, he made a hasty retreat, but compensated for this ill-timed prudence, by the capture of fort Frontignac. This fort, situated on the north side of the river St. Lawrence, at its opening from lake Ontario, commanded the river, and served as a magazine for the more southern castles. The garrison consisted of one hundred and ten men only, but the fort contained sixty pieces of cannon, sixteen small mortars, with an immense quantity of merchandise and provisions, deposited for the use of the French forces in the western garrisons. Nine armed vessels, some of which carried eighteen guns, were also taken. The enterprise was projected and executed by lieutenant-colonel Bradstreet.

Before entering upon the history of the expedition against fort Du Quesne, it will be proper to notice the treaty with the Indians, and the proceedings of the assembly of Pennsylvania, in consequence of the letters of the British minister.

The Indian tribes in the province, and its vicinity, having generally become desirous of peace, agreed to meet the governor and agents of the assembly at Easton in August, 1757; where the governors of New Jersey, New York, Maryland, and Virginia, together with sir William Johnson, were invited. The agents of Pennsylvania were Messrs. Norris, Fox, Hughes, Roberdeau, Galloway, Masters, Strickland, and Gibbons, all members of the assembly. A number of influential Quakers had formed themselves into a "Friendly Association," for the purpose of allaying the jealousies of the Indians, and to restore peace, by procuring justice to be done them. The leading members of this society were desirous to attend the meeting at Easton, and solicited the governor's permission to contribute to the present to be given to the Indians on that occasion. He refused their request as inconsistent with his instructions, and informed them that their interference with Indian affairs had

already given much offence to the government. The association immediately prepared a long defence of their conduct, recapitulating the progress of Indian hostility, and their efforts to prevent it. They dwelt on the Indian complaints of injustice in the purchase and measurement of their lands. But, not being able to change the governor's determination to forbid their presence, they resolved to publish their defence; and, in the conviction that they might aid in the establishment of peace, to attend the conference at Easton. The first of these measures they suspended, from an intimation that it might inflame the minds of the Indians.

The Indians, to the number of three hundred, composed of the representatives of ten tribes, chiefly from the Susquehannah, assembled under Tedyuscung, a king of the Delawares, who conducted the conference on their part. Instigated by the "Friendly Association," he insisted upon having a secretary appointed by himself, to take notes of the treaty. Governor Denny expostulated upon this novel pretension, but was compelled to accede to it, on the threat of Tedyuscung, to break up the conference. The demand of the chief was supported by the provincial agents, who were reprimanded by the governor for their interference, and forbidden to hold any intercourse with the Indians on public business. Charles Thompson, master of the Quaker free school in Philadelphia, and subsequently distinguished as the secretary of congress, was selected by Tedyuscung for his secretary. That chieftain complained that the Indians were aggrieved by the proprietary purchases of their lands from tribes who had no right to sell, and by the unfairness of the measurement where sales were justly made. He asked for the production, examination, and publication of the title deeds to the whites, disclaiming all pretensions to lands fairly purchased and paid for; and demanded satisfaction for such as were bought of those who had no title to sell, or were included in the proprietary surveys contrary to agreement. His nation, he said, intended to settle at Wyoming, and to build themselves dwellings of a durable nature, and therefore desired that a proper tract of land might be designated by certain boundaries, which they should be prohibited

to sell; that they might be instructed in the art of building, in reading and writing, and in the knowledge of the christian religion; and that a fair trade might be established, under the direction of suitable persons appointed to conduct it.

The matter and style of these demands differed much from the usual Indian method; and the interference of the whites was rendered evident by a draft of the disputed lands, accompanying the speech of the chief. Weiser and Croghan, the interpreters, declared that the sense of the Indians had been misstated, their main object being to obtain a view of the deeds of such lands, that they might learn by whom they were granted. The Indians admitted that the proprietaries had honestly purchased from the Six nations, but denied the right of these nations to sell. The English declined to enter upon an inquiry which involved the title of the Six nations, and the subject was referred to the consideration of Sir William Johnson, upon their suggestion to Teedyuscung, that his persistance in these claims would bring upon the Delawares the anger of those powerful tribes. The deeds the Indians desired to see were exhibited by Mr. Peters, and copies were given. Satisfied with this, they not only concluded a treaty of peace, but agreed to take up arms against the French.

In July, at the instance of the "Friendly Association," governor Denny despatched Frederick Post, a Moravian missionary, who had resided much among the Indians, to the towns beyond the Ohio, with information of this peace, and an invitation to participate in it. The messenger was well received, and though he was unable altogether to remove their suspicions of the English sincerity, which the French kept alive, yet he effected a relaxation of hostilities, and received an earnest request to make them another visit in company with other white men, who might confirm his message.

In commemoration of the treaty of Easton, a medal was struck, at the instance of the "Friendly Association," having on one side the head of George II., and on the other a citizen and Indian seated under a tree, the former presenting to the latter the calumet of peace; a fire, as is

usual on such occasions, burning between them; the sun in the zenith. *Legend.* Let us look to the Most High, who blessed our fathers with peace—1757.*

The constituted authorities of the province, always disposed to every measure which tended to soften and civilize the character of the Indians, cheerfully acceded to their wishes of making permanent buildings, and other improvements, at Wyoming. In the month of May, Messrs. Hughes and Pauling, appointed commissioners for this purpose, were despatched to that place with about fifty labourers and mechanics. Having out-travelled Teedyuscung, and a party of his tribe, who had visited Philadelphia, to enjoy in presents and public attention some immediate fruits of his late treaty, the commissioners were informed by him on his arrival at Wyoming, that a party of the hostile Indians from the West were abroad. This report was not immediately credited. But this scepticism proved fatal to one of the provincials. A Mr. Joseph Croker, who had volunteered to accompany Mr. Hughes, rode, soon after their arrival at Wyoming, with another young man, about a half mile from the town, to collect the horses; they were fired upon from the opposite side of the river, in view of the workmen. Croker was instantly killed, but the other received no injury. A number of whites and Indians pursued the enemy, who betook themselves to the mountain, and escaped by favour of the night.

The letters of Mr. Pitt to the colonies were well adapted to produce union and activity among the southern colonies. They were informed that their combined forces should be applied to remove the enemy from the western frontiers, and that the king, unwilling to limit their exertions, would leave to each colony to raise, with the greatest possible despatch, as large a force as was in its power; and to render such force efficient, the minister recommended to the respective governors to commission popular men for officers, and in bestowing military appointments, to have regard solely to the public service. Arms, ammunition, tents, and provisions, were to be furnish-

* Description by Dr. James Mease, N. Y. Hist. Col. 388.

ed by the crown, the expense of levying clothing and pay was to be borne by the provinces. But even these expenses he promised to recommend the parliament to pay, as the vigour and strenuous efforts of the provinces should merit.

Animated by hope, the assembly of Pennsylvania instantly resolved to place at the disposition of the English commanders, two thousand seven hundred men, including those already in the provincial service. To encourage enlistment they gave a bounty of five pounds to the recruit, and one pound to the recruiting officer; and earnestly recommended the governor to pursue the secretary's advice in the selection of officers, nor leave unessayed any method to have the forces ready by the month of May, agreeably to his majesty's orders. They voted the sum of one hundred thousand pounds, prepared quarters for the troops, and wagons for their baggage; put the roads in repair, and raised and equipped a troop of fifty light-horse.

The mission of Mr. Franklin had yet produced no alteration in the determination of the proprietaries in regard to the taxation of their estates; but the governor anticipating its results, abandoned his pretension to immunity from taxes, refusing, however, to suffer the estates of the proprietaries to be assessed by the ordinary assessors, and requiring the assessment to be made by commissioners of their own appointment. But the house rejecting this proposition, preferred to pass their bill without including the proprietary estates. The governor had also objected to the commissioners named in the act for granting one hundred thousand pounds; but he finally gave up this objection, under a protest that he was compelled to act contrary to his judgment by the public exigencies.

The obnoxious commissioners were Messrs. Fox, Masters, Baynton, Hughes, and Galloway, all members of the assembly. The governor charged them with neglect and disregard towards him; with expending monies without his previous consent; with excluding from their meetings Messrs. Lardner and Mifflin, members of council, and their fellow commissioners; with neglecting to render him a statement of their accounts, and refusing to deliver him a list of the

goods distributed by them to the Indians at Easton. Against these charges the commissioners made a formal written defence before the assembly. They congratulated themselves that the governor had not charged them with appropriating the public money to their own use. The charge of personal disrespect, they said, was too vague to be refuted; they were totally unconscious of such an offence, nor could they conjecture what had given room for such a charge, unless it were their refusal to defray the expense of many projects proposed by him, rather calculated to squander the public money intrusted to their care, than to answer any useful purpose; such were his propositions to build a fort at Raystown, to be garrisoned with five hundred men, in the pay of the province, and to put into the hands of military officers sums of money, from time to time, to be disposed of by them without account To these offences, they continued, might be added their frequent remonstrances to the governor on the great neglect of the military service, which was obvious to all, and under his immediate notice; on the disregard of the law, by not issuing ranging orders; for not recruiting the battalions until long after the enlistments had expired; and on the distressed and bleeding state of the frontier, occasioned by these neglects, whilst the troops were sleeping in garrison, without the necessary orders for ranging and protecting the inhabitants. The truth of the other charges they denied in round terms, and sustained their denial by their clerk, who deposed that the governor had approved the expenditures of the commissioners in the usual form; that like notice of meeting had been given to Lardner and Mifflin, as to the other commissioners, that the governor had been furnished with a list and value of the goods at Easton; and that the delay in rendering him a copy of the accounts, was caused by the pressure of business upon himself.

The conclusive nature of this defence, and the spirit with which it was made, did not fail to irritate the governor. His anger broke forth upon Mr. Fox and Mr. Hughes, who waited on him to state an account of monies lodged in the hands of the former, to open a trade with the Indians at fort Augusta. He treated Mr. Fox with much indecorum, and exclaimed,

"Sir, your eloquence is very great—Sir, your eloquence is very good; but let it be short—It is very good, but let it be short—Your account will speak for itself, I suppose—What sort of treatment is this to a governor? Half an hour ago, or a quarter of an hour ago, or twenty minutes or less, I received a message from your house, (holding a paper in his hand) —Why this is the strangest treatment to a governor. What! shall I not have time to do the public business? I was just now considering your message, and here comes another. This treatment for a governor? This treatment for a governor?" Whereupon Mr. Hughes said, Sir, your honour mistakes us, we come by the order of the house. The governor interrupted him, and cried, very pretty! very pretty, indeed!— What do the house mean? Who is to judge of the mistake? You, sir? You, sir? Sure! You, sir? Very pretty treatment indeed to a governor! not to give me time to do the public business. Then turning to Mr. Fox, and making a low bow, he said, "Pray, sir, leave your paper, it will speak for itself, and I will consider of it." Mr. Fox replied, "Here it is—it will speak for itself." The governor rejoined, "O yes, sir, your eloquence is very great, but less of it—it is very good, but no matter how short, sir." Mr. Fox then put down the paper on the table, and said, "Here is the account, and I am ready to settle." "Aye, sir, aye, sir, (responded the governor) you have a good deal to settle—you keep back your accounts—you refuse your accounts to me, though you are mean enough to get your clerk to take it upon himself, and say it was a neglect of his." Mr. Fox being about to reply, he continued, "aye, sir, aye, sir, you are very eloquent, you are very good, sir, and if you will look in the glass you will see your own picture." He then desired them to speak the truth when they had left the room. To which Fox answered, "I defy your honour, or any man, to charge me with the contrary." This conversation being reported to the house, they gravely resolved, "That it was their right, either by themselves, or any of their members, to have free access to, and decent treatment from the governor on public business at all seasonable times; that the manner in which the

governor received the members, and the treatment he gave them when about to deliver their message, were extremely unbecoming his station, indecent, unparliamentary, and had an evident tendency to destroy that freedom of access which the representatives of the freemen of the province have a right to, and without which the affairs of the government cannot be transacted."

The promptitude of the assembly to furnish military supplies produced new claims from the commanders. General Forbes required tents, arms, and camp necessaries, and that Pennsylvania should bear the expense of a party of Cherokees who had joined the British standard; and admiral Boscawen requested three hundred seamen, in consideration of which he promised to station a frigate in the Delaware bay. But the assembly pleaded to the requisition of general Forbes, his majesty's instructions to levy, clothe, and pay the troops only, and referred the Cherokee Indians to the crown, they having taken up arms at its invitation. Boscawen's request was refused, from the want of funds to raise the sailors.

The attack on fort Du Quesne was confided to brigadier-general Forbes, with a detachment from general Abercrombie's army, strengthened by the southern militia; the whole computed at seven thousand eight hundred and fifty men.* He began his march from Carlisle in the middle of July, to join colonel Bouquet, who was posted at Raystown. On his arrival, colonel Bouquet, with two thousand five hundred men, was advanced to Loyal Hanna, fifty miles further to the westward. The march of the main body was delayed until September, in consequence of the difficulty in procuring carriages and military stores, and of the tardiness with which the orders to the Virginia regulars, under colonel Washington, to join, had been given. In the meantime, major Grant

* 350 royal Americans; four companies.
1200 highlanders; thirteen companies.
2600 Virginians.
2700 Pennsylvanians.
1000 wagoners, sutlers, and followers of the army.
Penn. Gazette, 1758, No. 1553.

was detached by Bonquet, with eight hundred men, to reconnoitre the fort and adjacent country. He was attacked, surrounded by the enemy, and lost above three hundred men, killed and taken, and was himself among the prisoners; the remainder retired in great confusion.* Colonel Bonquet still continuing at Loyal Hanna, the enemy resolved to attack him in his camp. A force, estimated at twelve hundred French, and two hundred Indians, commanded by De Vetri, assailed him on the eleventh of October with great vivacity, but was compelled to draw off with considerable loss, after a warm combat of four hours. A second attack was made during the night, but some shells thrown from the camp compelled them to retreat. The loss of colonel Bonquet amounted to sixty-seven rank and file, killed and wounded. Upon the twenty-third or twenty-fourth of October, general Forbes proceeded from Raystown to Loyal Hanna. He continued there until the seventeenth of November. On the twelfth of that month, colonel Washington, being out with a scouting party, fell in with a number of the enemy about three miles from the camp, whom he attacked, killing one, and taking three prisoners: among the latter was one Johnson, an Englishman, who had been captured by the Indians in Lancaster county, from whom was derived full and correct information of the state of the garrison at Quebec. A most unfortunate occurrence happened to the provincials upon this occasion. The fire of Washington's party being heard at the camp, colonel Mercer, with a number of Virginians, were sent to his assistance. The two parties approaching, in the dusk of the evening, reciprocally mistook each other for enemies; a number of shot were exchanged, by which a lieutenant and thirteen or fourteen Virginians were killed. On the thirteenth of November, a force of one thousand men, under colonel John Armstrong, was pushed forward, and the general followed on the seventeenth, with four thousand three hundred effective men, leaving strong garrisons at Raystown and Loyal Hanna. For want of practical

* 14th September.

roads, the whole march was tedious and difficult—the advance of ten miles a-day being deemed extraordinary progress. The army was greatly afflicted by sickness, and weakened by desertion. Neglecting the road formerly cut by Braddock over the mountains, general Forbes opened a new one, by which he approached the fort. The capture of Frontignac, and the defection of the Indians from the French interest, had already prepared the way for his success. The garrison of fort Du Quesne, unsustained by their savage allies, and hopeless of reinforcements, the Canadian force lately engaged at Loyal Hanna having retired, held the place only until the approach of the English army should justify its abandonment. Accordingly, on the twenty-fourth of November, when Forbes was within a day's march of the fort, they burned and abandoned it, and escaped by the Ohio river to their settlements upon the Mississippi. The ruined fortifications were seized by the English on the next day, and, being hastily repaired, were garrisoned by four hundred and fifty men, chiefly provincial troops, from Pennsylvania, Maryland, and Virginia, under the command of colonel Mercer. The remainder of the army was marched into the interior, and quartered at Lancaster, Reading, and Philadelphia. There being no barracks at the former places, the soldiers were billetted upon the inhabitants, who complained grievously of the irregularity of the men, and the caprice, favour, and oppression, of the officers. The assembly, having remonstrated in vain on these enormities, finally directed barracks to be erected at Lancaster.*

The troops raised by the province for the campaign merely, were discharged soon after the capture of fort Du Quesne. But the old troops were continued in service, at the requisition of general Amherst, who had been appointed commander-in-chief of all the forces in America. Soon after, at the instance of Mr. Pitt, the assembly voted thirteen hundred additional troops, to act with the British and other colonial forces under the commander-in-chief, during the ensuing

* Votes of assembly. Penn. Gazette. Min. of Council.

campaign, and they encouraged enlistments by proper bounties.

In October, another convention was held at Easton with the Indians, which lasted from the seventh to the twenty-sixth of that month, for the purpose of settling a definitive treaty of peace. There were present, on the part of the English, the governors of Pennsylvania and New Jersey, Mr. George Croghan, the deputy-agent of sir William Johnson for Indian affairs, four members of the council, and six members of the assembly of Pennsylvania, two agents for the province of New Jersey, and many magistrates and freeholders of this and the neighbouring provinces, together with some citizens of Philadelphia, chiefly Quakers. On the part of the Indians, there were deputies and chiefs of the Mohawks, Oneidas, Onondagoes, Cayugas, Senecas, Tuscaroras, Nanticokes, Conies, Tuteloes, Chugnues, Delawares, Unamies, Minisinks, Mohicans, and Wappingers, with their women and children, amounting in all to about three hundred. Governor Barnard, of New Jersey, attended in consequence of the request of the Senecas and Cayugas.

At the opening of the council, the Six nations complained of the presumption of Teedyuscung, in his late conference. He had boasted, they said, that he was the chief of ten nations; in which character they refused to recognise him, and tauntingly demanded, whether it had been given him by the English or French. But governor Denny allayed their indignation and jealousy, by representing the respect and veneration which Teedyuscung had always professed for the Six nations, and that he was considered by the English as the messenger only of ten nations. Thomas King, an Indian warrior, entered upon the development of the causes of the late Indian hostilities. The minds of the Indians were first soured, he said, by attacks upon war parties of the Shawanese and Senecas, passing through the province of Virginia, in which several warriors were killed, and others made prisoners; they were further estranged by the inattention of the governors of Virginia and Pennsylvania to their solicitations, for aid to repel the French encroachments upon the Ohio,

and the consequent departure or capture of the English traders, by which the Indians were made dependent upon Canada for their ordinary supplies: the Minisinks had been defrauded of large tracts of land in New Jersey, and had been pushed back so rapidly, that they were unable to discriminate the many parcels of land which belonged to them, interspersed among those they had sold: the last purchase made by the proprietaries at Albany had been very unsatisfactory to the council of the Six nations, which refused to ratify the sale of more than had been settled by the whites, and for which payment had been made: and the Indians had been hardly dealt with, the whites refusing them permission to hunt, or to cut a single stick of timber upon their lands, notwithstanding their intention to reserve a common right to the game. Teedyuscung claimed a body of lands upon Tohiccon creek, which, he alleged, had been occupied by the whites, under a false pretence of purchase from the Six nations. The injustice of this claim, however, was immediately proved, by inspection of the deed from the Six nations, and by the testimony of the chiefs then present, who remembered the grant, and acknowledged that it had been honestly paid for.

All points of difference were, however, satisfactorily adjusted. Governor Barnard consented to give the Minisinks one thousand pounds for their claims in New Jersey: the proprietary agents, Weiser and Peters, re-conveyed the lands of the last purchase, reclaimed by the Indians; and the Indians confirmed the sale of such portion as was settled and had been paid for. To this pacification, all the tribes lately engaged in the war were parties, except the Twightees, upon the Ohio. These also had professed their desire for the return of peace, and had declared that it was necessary only for the English to be strong, in order to revive it.

Immediately after this conference was concluded, Post was again sent to the Indian towns beyond the Ohio, to communicate the result. He was accompanied by several whites, and by a Cayuga chief, who bore a message from the Six nations, threatening war, should the Twightees and Shawanese still

hesitate to make peace. But these threats were unnecessary; they had already determined to abandon the French, although they expressed great unwillingness to permit the English to rebuild and garrison fort Pitt.

Teedyuscung having failed in his attempt to obtain lands from the province, endeavoured to procure from the Six nations a grant of the country about Wyoming and Shamokin. But the delegates of that confederacy present at the conference, alleging their want of authority to convey, would only consent to his occupying it until the will of their council could be known. And they took occasion to reproach him for his breach of faith, in not returning the English prisoners, according to his agreement at the conference in the preceding year. "It was a shame," they sneeringly told him, "for one who called himself a great man to tell lies;" and they warned him, "that he must not now fail."

General Forbes, who had struggled with ill health during the last campaign, died soon after its close, at Philadelphia. His command devolved upon brigadier-general Stanwix, who was charged with the defence of the frontiers of the middle provinces. This duty was rendered difficult, by the want of pack-horses, carriages, and light cavalry. The contracts for wagons with the farmers of Pennsylvania had not been fulfilled by the late general; large sums were due for carriage hire, and damages sustained by the loss of horses and carriages in the service. The horses and accoutrements of the light-horse troops, furnished by the assembly, had been destroyed, as the provincial commissioners believed, by gross negligence; and the pressure of necessity being removed, the legislature was not disposed to increase the burdens, which the people bore with great inconvenience, though with great patience. To the solicitations of the general, that they would enforce the supplies of horses and wagons by pecuniary penalties, they replied, that payment of the debts already due on this account was the surest means to obtain future services. But this act of justice was not immediately in the power of the general. Remittances from England had been delayed; and such was the scarcity of money in Philadelphia, that no

purchaser could be found for bills upon the British treasury. Under these circumstances, colonel Hunter, the agent for the contractors for supplying money to the forces in North America, asked of the assembly a loan of one hundred thousand pounds currency in provincial bills, payable in instalments of six, twelve, and eighteen months. The house consented to loan him half that sum, but resolutely refused the entreaties of the general for two troops of light-horse.

The British ministry having resolved to make powerful efforts for the total destruction of the French power in America, determined to assail it in all its northern intrenchments. An army of eight thousand men, under general Wolfe, was prepared to attack Quebec as soon as the season would admit. General Amherst, with twelve thousand regular and provincial troops, was commanded to reduce the forts of Ticonderoga and Crown Point, cross lake Champlain, and by the rivers Richelieu and St. Lawrence, join Wolfe before Quebec; and general Prideaux, reinforced by a number of friendly Indians, commanded by Sir William Johnson, was directed to invest the French fort at the falls of Niagara, an important post, overawing the country of the Six nations, protecting the inland trade, the navigation of the great lakes, and the communication between Canada and Louisiana; and having reduced this fort, to embark on lake Ontario, fall down the river St. Lawrence, capture Montreal, and then to unite and cooperate with the army of general Amherst. To general Stanwix was confided the southern department, with instructions to watch the western frontier, and to erect proper forts for its defence. This plan was stupendous; but when we consider the nature of the country, that roads were to be cut through forests scarce explored, boats to be built to pass the lakes and rivers, that the enemy was in force on all the important points on the route, and that the city of Quebec was strongly fortified by nature and art, it may be well questioned whether a combined attack on Quebec alone did not hold forth greater prospects of success. Quebec being taken, the victorious army would have found little resistance from places

of minor strength, whilst the British fleet commanding the St. Lawrence prevented all succour from France.

The summer was much advanced before general Amherst commenced his operations. But he was delayed for a short time only by the forts Ticonderoga and Crown Point. The enemy being instructed to retreat towards Quebec before any force which subjected them to imminent danger of defeat and capture; he obtained possession of the two forts before the first of August, with the loss, however, of colonel Roger Townsend, who, whilst reconnoitering Ticonderoga, was killed by a cannon ball near the spot where, in the last year, lord Howe had fallen. From the first of August to the middle of October, the general was employed in constructing a fleet to obtain the command of lake Champlain, and to transport his army in front of the enemy, who, with regulars, Canadians, and marines, had a force of three thousand five hundred men at the Isle aux Noix, on the north end of the lake. The French maritime force consisted of four large vessels, mounted with cannon, and manned with piquets from different regiments, under M. Le Bras, a captain of the navy, assisted by M. De Ugal, and other sea officers. On the eleventh of the month general Amherst embarked his whole army in batteaux, protected by a sloop of sixteen guns, a brigantine, and a radeau eighty-four feet in length, carrying six large cannon. But on the next day the weather growing tempestuous, he was compelled to seek shelter in a bay on the western shore, where the men were landed for refreshment. But captain Loring, with his fleet, having sought and encountered the enemy, sunk two of his ships, and captured a third, which had been run aground and abandoned by the crew. The commander-in-chief having been several days wind bound, at length made a second attempt to pass down the lake; but, assailed by another storm, and the season for action being elapsed, he gave up his design, and returned to Crown Point, where he prepared to quarter his troops for the winter.

General Prideaux invested fort Niagara about the middle of July. On the twentieth of that month, he was slain, whilst

visiting the trenches, by the bursting of a cohort, and his command devolved upon Sir William Johnson. The enemy, with twelve hundred troops, drawn from Detroit, Venango, and Presqu'isle, and a number of Indian auxiliaries, approached, under the command of M. D'Aubry, to relieve the fort. On the evening of the twenty-third, Sir William posted his light-infantry and piquets on the road from the falls to the fortress. These he reinforced in the morning with the grenadiers, and part of the forty-sixth regiment, commanded by colonel Massey; another regiment, under lieutenant-colonel Farquhar was directed to support the guard of the trenches. About eight in the morning the enemy appeared, and animated by the war-whoop of their allies, attacked the British with great impetuosity. But they met with a hot reception in front, whilst their rear was vigorously assailed by the English Indians. In less than an hour the whole French army was routed, and the general and all his officers taken prisoners. Immediately after the battle, which was fought in sight of the garrison, general Johnson sent a trumpet to the commanding officer, with a list of seventeen officers, taken in the engagement, and exhorted him, to save further effusion of blood, to surrender whilst he had it in his power to restrain his Indians. The commandant, after sending an officer to visit the prisoners, immediately capitulated. The garrison, composed of six hundred and seven effective men, were permitted to march out with the honours of war, and to retain their baggage; were protected from the insolence and rapacity of the Indians, and embarked upon the lake; the women, at their own request, for Montreal, and the men for New York.

This was the second victory obtained during this war by Sir William Johnson; in both he captured the commander of the enemy. His courage and sagacity, which owed nothing to a military education, has received just and unqualified praise from the English historians. They have compared him with lord Clive, who also was formed by circumstances and self-discipline. But military virtue was not the only ornament of Sir William. His justice, benevolence, and in-

tegrity, gained him the unreserved confidence of the Indians, and enabled him frequently to temper their ferocity.

About the close of June, the army of general Wolfe was landed on the large fertile and populous island of Orleans, situated in the river St. Lawrence, a little below Quebec. The major-general was aided by the brigadiers Monckton, Townshend, and Murray: all four were in the flower of their age, distinguished by their conduct, and eager for further fame. The first effort of the English general was to neutralize the inhabitants of Canada, by a proclamation, declaring the object of the war to be the humiliation of the French monarch, by the reduction of his American possessions; not to injure the industrious peasants, their wives, or children, or the ministers of religion. On the contrary, commiserating the misfortunes to which they were necessarily exposed by the quarrel, he tendered them his protection, and promised to maintain them in the enjoyment of their estates and religion, on condition that they would remain quiet, and take no part in the contest; threatening them, in case they refused his offers, with vengeance and retaliation for the cruelties exercised by the French upon the English subjects in America. His exhortations were vain. The Canadians preferring their country and their duty to the insidious promises of an invading enemy, deserted their villages, and submitted their farms upon the river to waste and spoil.

Quebec lies at the confluence of the rivers St. Lawrence and St. Charles, and consists of an upper and lower town. The lower is built upon the strand, which stretches along the base of the lofty rock, on which the upper is situated. This rock continues with a bold and steep front far to the westward, parallel to, and near the river St. Lawrence. On the east is the river St. Charles, which contained several armed vessels and floating batteries, protected by a boom drawn across its mouth. The channel of this river is rough and broken, and its borders intersected by ravines. On its left bank was encamped a French army, of six thousand men, commanded by the marquis Montcalm, whose talents and success in the pre-

sent war rendered him a worthy and dangerous antagonist for the English general.

A survey of these obstacles depressed the sanguine hopes of Wolfe, who, in his letter to Mr. Pitt, declared, that, even before commencing his operations, he could not flatter himself with success. Yet, highly sensitive to praise and to shame, he resolved to succeed or perish. He seized Point Levi, on the southern side of the St. Lawrence, where he erected several batteries, which did great injury to the town, but made no impression on the works. Nor could he avail himself of his ships; the elevation of the principal fortifications placing them beyond the reach of the fleet, while the river was commanded by the batteries on the shore. He laboured in vain to induce Montcalm to abandon the strong and advantageous post he occupied; and, at length, resolved to attack him in his intrenchments. If he prevailed in this hardy enterprise, the St. Charles still intervened between him and the city; but this he deemed easy to surmount, as a victorious army finds no difficulties. Thirteen companies of English grenadiers, and part of the second battalion of royal Americans, were landed near the mouth of the Montmorenci, under the cover of the ships of war. The original plan was to attack a detached redoubt on the water's edge, apparently unprotected by the fire from the intrenchments, in the hope that Montcalm's efforts to relieve it might bring on a general engagement; or, should he suffer it to be captured, that from it the English general might better examine the situation and resources of the enemy.

On the approach of the British troops, the redoubt was evacuated; and Wolfe, observing some confusion in the French camp, resolved to storm it. With this view, he directed the grenadiers and Americans to form on the beach, and to wait until the whole army could be arranged for their support. Orders were despatched to Murray and Townshend to prepare their divisions for passing the river somewhat higher up. But the intemperate valour of the grenadiers and Americans marred these dispositions.* Rushing prematurely and

* July 31.

irregularly upon the enemy, they were received with such a steady and constant fire, that, broken and disordered, they were compelled to seek shelter under the redoubt, exposed to a destructive cannonade. The general advancing with the other brigades, the fugitives formed behind these; but, discovering his attempt to be hopeless, he drew off his forces, with the loss of five hundred men.

Vexation and despair preyed upon Wolfe's health, and brought on fever and dysentery, which rendered him for a time totally unable to act with vigour. An effort was made, in conjunction with the fleet, to destroy the enemy's ships, to land on the northern shore, and provoke the enemy to battle; but the ships were too well secured to be approached, and two attempts to land proved abortive. A third was more successful. By a sudden descent at Chambaud, the English burned a considerable magazine, filled with arms, clothing, provisions, and ammunition; and they learned from some prisoners, the progress of generals Amherst and Johnson. Hopeless of approaching the town from below, Wolfe abandoned the isle of Orleans, determined to confine his future efforts, to land, above the town. Part of the troops were left at Point Levi, and the remainder sailed with the fleet up the river. To watch these, Montcalm despatched fifteen hundred men, under the command of M. de Bourgainville.

The enterprise had now grown desperate. A great part of the season for military operations was spent, and no impression had been made on the town. A bold and sudden stroke alone might obtain success; and such a measure well suited the chivalrous spirit of the English general. On the west of the city were some heights, called the heights of Abraham, accessible from the river by a narrow path only, and therefore imperfectly guarded. These commanded the town, which, on the land side, was slightly fortified. It was resolved to land the troops in the night, and gain these heights. The difficulties attending this scheme were numerous. The stream was rapid, the shore shelving, the landing-place so narrow as to be easily missed in the dark, and the ascent from

it was steep and laborious, even to one unopposed. Discovery and vigorous opposition would not only defeat the enterprise, but probably occasion the loss of the greater part of the troops engaged in it. To deceive the enemy, the admiral moved up the river several leagues, and demonstrated an intention to debark troops at several places.* During the night a strong detachment in flat-bottomed boats fell silently down the river, and gained the place of descent an hour before day. Wolfe was the first to leap on shore. The highlanders and light-infantry, composing the van, under colonel Howe, were directed to secure a four gun battery, which defended the paths of the ascent. They were forced by the violence of the current below the point of debarkation, but, scrambling up the precipice, by the aid of the projecting rocks, and branches of trees and plants growing on the cliffs, they gained the heights, and dispersed the guard with little difficulty. The whole army followed up the narrow pass, encountering a scattered fire from some Canadians and Indians, with inconsiderable loss, and gained the summit by the break of day.

When Montcalm learned that the English had gained the heights, he determined to give them battle, and instantly put his troops in motion. Without loss of time, Wolfe formed his line. His right wing he gave to Monckton, and his left to Murray. The right flank was covered by the Louisburg grenadiers, and the left by Howe's infantry. The reserve consisted of Webb's regiment, drawn up in eight sub-divisions. He had but one piece of cannon, which was used with great effect. Montcalm formed his right and left wings equally of Europeans and colonial troops. He brought two small field-pieces to play upon the English lines, and threw fifteen hundred militia and Indians in advance, who, protected by the trees and shrubs, kept up an irregular but galling fire. The movements of the French indicating a design to flank his left, general Wolfe ordered the battalion of Amherst, with two battalions of Americans, to that part of his line, where

* 12th Sept.

they formed *en potence*, presenting a double front, under general Townshend. Montcalm placed himself on the left and Wolfe on the right of their respective armies, and were thus opposed to each other where the battle was most severe. The French advanced impetuously; but the English, contemning the irregular troops thrown in advance, had reserved their fire until the main body was within forty yards, now poured upon it a deadly and continued shower. Wolfe, advancing at the head of Bragg's and the Louisburg grenadiers with charged bayonets, received a mortal wound, of which he soon after expired. The battle was maintained with undiminished spirit under Monckton, who received a ball through his body. About the same time, Montcalm, in front of his battalions, received his death-wound; and general Senezergus, his second in command, also fell. The left and centre of the French gave way; and, pressed by the British bayonet and broad-sword, were driven, after one attempt to rally, partly into Quebec, and partly over St. Charles's river. In the left and rear of the English, the action was less severe. The light-infantry was placed in houses; and colonel Howe, the better to support them, had taken post, with two companies, still farther to the left, behind a copse. As the right of the enemy approached, he attacked their flanks and threw them into disorder. In this critical moment, Townshend advanced several platoons of Amherst's regiment against their front, and completely frustrated Montcalm's intention of turning his flank. Townshend was now informed that the command had devolved on him. Hastening to the centre, he recalled the troops from pursuit, and re-formed his line. This was scarce effected, when M. de Bourgainville appeared in his rear, with the force he had employed in guarding the river above. But the army of Montcalm was defeated and routed, and the English were able to deal with this small division, which retired unmolested, as Townshend would not risk the important advantages already gained, by pursuing it through a difficult country.

In this decisive battle, the numbers were equal. But all the English were veterans, whilst more than half the French

force was composed of Indians and unpractised militia, who, rendering a feeble support to the regulars, caused them to be almost entirely cut to pieces. The English loss was six hundred killed and wounded, but among the former was the commander-in-chief.

The death of this gallant officer in the hour of victory, rejoicing in his future fame, has shed a romantic interest on this battle, which has made it a delightful theme for the poet and historian. At the head of his division, he was a distinguished object for the enemy. On the commencement of the action, he received a ball in the wrist; but, calmly wrapping a handkerchief around his arm, he continued to encourage his troops; soon after, a shot struck him in the groin; this wound he also concealed; and he was pressing on with the grenadiers, when a third bullet pierced his breast. Though expiring, he reluctantly suffered himself to be conveyed to the rear, where his sole solicitude was for the fate of the battle. Being told that the enemy was broken, he reclined his head in extreme faintness upon the arm of an officer, but was soon aroused by the distant cry "they fly, they fly!" "Who fly?" said he; being answered, "The French," he exclaimed, "Then I die happy!" and instantly expired.

The brave but unfortunate Montcalm met his fate with equal heroism. Devoted to glory, and fearless of death, he could not brook his defeat. He joyfully replied, on being told that he could survive but a few hours, "So much the better, I shall not see the surrender of Quebec."

General Townshend employed the first days after the battle in fortifying his camp, cutting a road up the precipice for the conveyance of his heavy artillery, and otherwise preparing for the siege of the town. But before his batteries were opened the garrison capitulated, on condition that the inhabitants should, during the war, be protected in the free exercise of their religion, and the full enjoyment of their civil rights, leaving their future destiny to be determined by the general peace. These favourable terms were granted from an apprehension on the part of the English, that the place might be relieved by Bourgainville, or by a detachment from

the army at Montreal. The garrison, consisting of about five thousand men, and the captured fleet, sailed for Europe under the charge of general Murray.

The news of this conquest produced in England a delirium of joy; the more vivid, as the nation, from the letters of general Wolfe, had anticipated a failure of the expedition. Captain Douglass, whose ship bore the first tidings, was knighted, and the king bestowed considerable presents on him and colonel Hale, the bearer of the despatches. A solemn thanksgiving was proclaimed throughout the British dominions. The city of London, the universities, and other corporations, presented congratulatory addresses to his majesty; and parliament voted a monument in Westminster abbey to the deceased general, and the thanks of the house to the surviving "generals and admirals employed in the glorious and successful expedition to Quebec."

On the arrival of Mr. Franklin in England, he discovered that he had many difficulties to contend against.* The newspapers were constantly supplied with intelligence from Pennsylvania, manufactured in London, misrepresenting the motives and conduct of the assembly and inhabitants of the province, in their resistance to the claim of the proprietaries. The attention of the nation being fixed upon the progress of the war in Germany, and its entire ignorance of the Pennsylvania contest, rendered it indifferent to her complaints; and the government was reluctant to interpose in local disputes, arising from the ambiguity or even abuse of the royal grants. Franklin turned himself to the press, as the familiar and natural means of exciting the interest of the public, and of correcting the proprietary misrepresentations. A proper opportunity was afforded him, in consequence of the publication of an article in the "Citizen, or General Advertiser," reflecting on the conduct of the assembly, for protracting the dispute with the governor, and delaying the appropriation of funds, whilst the savage enemy was preying upon the frontier. A reply, bearing the name of his son, was inserted in

* Franklin's Memoirs.

the same paper, whence it was copied into others, and extensively circulated. He showed that the exposure of Pennsylvania to the enemy was not greater than that of the other provinces; that her frontier settlers were armed, and actively employed in her defence; that her energy was repressed by the proprietary instructions, and that her inhabitants were united in opposing their injustice. He closed with a view of the exertions of the province in defence of her own frontier, and of the general cause, in which she had persevered without contribution from other colonies, or from the mother country.* The publication of this letter was attended with good effect, and encouraged the author to follow it up with a more important paper. In the beginning of 1759 he published anonymously, his "Historical Review of the Constitution and Government of Pennsylvania." This work was written for party purposes, and therefore contained party views and representations. If the honesty of the author prevented him from violating truth in regard to the facts, his cause did not reject the benefits of partial colouring. The work contains copious extracts from the minutes of the council and assembly, connected by many strong and original remarks. In examining the conduct of the proprietaries, the author has not spared the memory of Penn, much less that of his children; under his hand the character of the early settlers of Pennsylvania rises in strong and pleasing relief, and the contrast between them and the proprietaries is much to the advantage of the former. This work was ascribed to James Ralph, a former resident of Philadelphia, and companion and friend of Franklin; strict circumspection being observed in regard to the real author, who was at the time of its publication engaged in negotiating with the proprietaries, and labouring to bring the provincial disputes before the privy council.†

In August, 1757, he had presented to the proprietaries a short and general remonstrance against their instructions. In February, 1759, they sent a long message to the assembly, in

* Sept. 16, 1757. † Frank. Mem.

which they maintained their general right to instruct their deputies, and to require bond from them conditioned for their obedience, on the ground of the practice of the proprietary and royal governments; and of the danger which must accrue to the proprietary estate, if their deputies, dependant upon the assembly for support, were left entirely to their own discretion. They justified their refusal to pay taxes for their quit-rents, on the impropriety of submitting the chief rents due to them as lords of the fee, to taxation by the representatives of their tenants. "That they might not be accused of injustice," they said, "they had ordered five thousand pounds to be paid for the public service out of the arrears of that very fund; and now they were willing to have the annual income of their estates inquired into, and to contribute whatever such sum should fall short of this proportion of the amount raised upon all the inhabitants; but if they had already contributed more than their portion, they required that the overplus should be returned to them. But as they were not represented in the assembly, and had a right to dispose of their own estates, they insisted that the manner in which such portion should be assessed should be settled by commissioners appointed on the part of themselves and assembly." They proposed to settle with Mr. Franklin a bill of supply; but having no authority for this purpose, he declined the proposition. These offers did not tempt the assembly to alter their course. They sent to the governor a bill subjecting the proprietary estates, as other property, to taxation; and, having made several attempts in vain to amend it, he gave it his sanction, without even a protest, that it was forced from him by the circumstances of the province. The proprietaries opposed this bill before the privy council as subversive of their rights, and ruinous to themselves and posterity, subjecting them to all the expenses for the defence and support of the province. There were other offensive features in the bill; but, after much delay and tedious discussion, it received the royal approbation, on the engagement of Franklin, that the assembly would admit the participation of the governor in the disposal of the public revenue, and would not make their

bills issued under the act a tender in payment of quit-rents; and would not assess the located uncultivated lands of the proprietaries higher than the lowest rate at which any located uncultivated lands belonging to the inhabitants should be assessed. This was a concession of the very ground of litigation, and established by consent of the contending parties, and under the authority of government, nearly all which the inhabitants of Pennsylvania claimed.* This termination of the controversy, beneficial to the province, and honourable to Mr. Franklin, their agent, procured for him the agency for the colonies of Massachusetts, Maryland, and Georgia.

In October, governor Denny was superseded by James Hamilton, Esq. a second time appointed lieutenant-governor of the province. The removal of governor Denny was, in consequence of his compliance with the wishes of the assembly in passing their money bill, and other acts, offensive to the proprietaries; he having, as the proprietaries believed, sacrificed their interests to promote his own. Nor was this improbable. For several years he had received no salary from the assembly, but on his assenting to the bill taxing the proprietary estates, the house voted him one thousand pounds; a like sum on his sanctioning the bill for re-emitting the paper currency, without a clause protecting the proprietary interests, and a like sum on his passing the act for recording of warrants and surveys.

* Franklin.

## CHAPTER XVI.

Reduction of the army····Augmentation····Money bill····Donation to the town of Boston····Grant of parliament to the colonies····War with the Cherokees····Military affairs in Canada····Provincial merits in the war····Cherokees sue for peace····Death of George II····Provincial proceedings ····Requisition of troops refused by the assembly·····Mohawks····Resignation of Mr. Pitt····New requisitions···· Money bill····War with Spain····Measures of assembly···· Indians····Peace between Great Britain, France, and Spain ···Ministerial rebuke of the assembly···Indian war···Expedition of general Bonquet····Money bills····John Penn, esq. deputy-governor.

The results of the late campaign, whilst they inspirited the provinces to new exertions, brought peace and security to the middle colonies.* The impoverished and exiled agriculturists, to the number of four thousand, returned to their labours, which, prosecuted in security, bring contentment and competence, whilst the merchant again found sources of wealth in the Indian trade. Pennsylvania, oppressed by taxes, and largely indebted to the soldiery, gladly seized the occasion to reduce her force to one hundred and fifty men, officers included, against the remonstrances of the governor, and the generals Amherst and Stanwix. But, on command of the crown to furnish a like number of troops as for the last campaign, the assembly voted twenty-seven hundred men, and reported a bill, granting to his majesty's use one hundred thousand pounds, for levying, paying, and clothing them. This bill had the same features as the last; assessing the proprietary estates, and preserving to the assembly the disposal

* 1760.

of the money to be raised by the act. The governor objected to the bill, and offered an amendment, to equalize the assessment, and to reconcile a discrepancy, which he fancied existed in its provisions; one section authorizing the provincial commissioners to dispose of the money, with the consent and approbation of the governor, whilst another required the trustees of the loan-office to pay orders drawn by the commissioners only. But the house, seeing no inconsistency in the bill, it preserving to them the entire control of the public treasure, rejected the amendments, and Mr. Hamilton, under a protest that his assent was extorted by the circumstances of the country, gave it his sanction.

The resolution of the house, not to admit the executive to participate in the disposition of the public treasure, was still further displayed during this session. Mr. Pitt had kept his promise to recommend to parliament to reimburse the colonies for their pecuniary expenses. A conviction that they had paid more than their proportion, induced that body to appropriate two hundred thousand pounds a year, for five years, for their relief. The portion of Pennsylvania was twenty-six thousand pounds of the first year's grant. To enable their agents to receive this money, the assembly sent to the governor certain resolutions, continuing Messrs. Franklin and Charles agents of the province, and requesting him to certify their appointment under the great seal. He refused this, unless the house would consent to prohibit their agents from receiving the money until authorized by law, or without the consent and approbation of the governor. The house directed the clerk to make affidavit of this refusal, contrary to the usual practice, and to obtain a notary's authentication of their resolutions; and they instructed their agents immediately to obtain the money, and deposit it in the bank of England, subject to the drafts of the province. The money, however, was paid to Franklin alone, and by him was vested in the English funds. On sale of the stock thus purchased, a considerable loss was sustained, which his enemies endeavoured, unsuccessfully, to charge upon him.

The town of Boston having been afflicted by a grievous

conflagration, the assembly of Pennsylvania, on the application of governor Pownal, of Massachusetts, and at the instance of Mr. Hamilton, generously granted to the sufferers the sum of fifteen hundred pounds.

At the instances of the French of Louisiana, the Cherokees, a nation of Indians on the south of Virginia, commenced war upon the southern provinces, which they prosecuted with the usual barbarity of the North American savage. Upon the first hostile indications, governor Littleton of South Carolina, at the head of eight hundred provincials, and three hundred regulars, penetrated their country with such promptitude and vigour, that the intimidated chiefs sued for peace upon the governor's terms—renouncing the French interest, giving up the French emissaries, and surrendering their prisoners; and, for the performance of these conditions, giving as hostages thirty-two chiefs, who had gone to Charleston, to deprecate the anger of the English, and had been re-conducted to their country under the charge of the army. These hostages were lodged at fort George. Scarce had the army retired from the frontiers, when the Indians endeavoured to release them, and, in the execution of their attempt, they killed the captain of the fort, and wounded two inferior officers. Orders were immediately given to put the hostages in irons; but, indignant at this treatment, they turned their knives upon those about to execute these commands; one of whom they killed. An instant massacre of all the chiefs succeeded; and their nation again flew to arms, and vented their fury by the indiscriminate murder of the English inhabitants.

General Amherst despatched colonel Montgomery, with a detachment of twelve hundred regulars, to South Carolina, with instructions to strike a sudden blow against the enemy, and to return to New York in season to march with the army against Montreal. The colonists made great exertions to second him, and to render a single expedition conclusive of the war. The joint forces entered the lower settlements of the Indians, destroyed their towns, burned their magazines of corn, and wasted their fields. But near the village of

Etchoo, in an almost impenetrable wood, the English encountered a large body of savages, and received so severe a check, that they deemed it prudent to retire upon fort George, whence colonel Montgomery departed for New York; leaving, at the entreaty of the inhabitants, four companies to aid in defence of the frontier. In the meantime, the Indians encompassed fort Loudon, and, by famine, compelled the garrison, consisting of two hundred men, to capitulate, on condition of being permitted to march into the settlements. But this condition was not preserved. They were attacked on their march, many of them slaughtered, and the remainder carried away prisoners.

During the winter, the French made great exertions to retrieve their affairs in Canada. A force of near ten thousand men was collected about Montreal, under the command of M. de Levi; who at first formed the design of carrying Quebec by a *coup-de-main*, but which he abandoned on a nearer view of the strength and vigilance of the garrison; and resolved to wait the return of spring, and the breaking up of the ice on the river, for the commencement of the siege. In the month of April, he transported his baggage, artillery, and stores, by the St. Lawrence, under convoy of six frigates, a naval force greatly superior to the English, and marched his army by land in ten days to Point au Tremble.

General Murray had, with great industry, strengthened the town upon the land side. But the excessive coldness of the climate, and the want of vegetables and fresh provisions, had reduced the garrison from five to three thousand effective men. With this small force, he resolved to hazard a battle; believing, should he be defeated, the excellence of his troops would enable him to retreat into the town, and hold the enemy at bay. He attacked the French with great impetuosity near Sillery; but, being received with unexpected firmness, and perceiving M. de Levi preparing to pass his flanks, he drew off his army, and retired into the city, with the loss of a thousand men; consoled, however, with having made much greater havoc upon the enemy.

Sensible that every day brought relief nearer to his foe, the French commander hastened his operations; but still was unable, from the difficulty of bringing up his heavy artillery, to mount his batteries for a fortnight. By that time, Murray had completed some out-works, and had placed upon his ramparts so formidable a train, that his fire was superior to that of the besiegers. But still his situation became hourly more perilous; he was at length relieved by the arrival of a British fleet in the river, at a season in which the navigation is not ordinarily practicable. M. de Levi immediately raised the siege, and retired with precipitation to Montreal. At this place the marquis de Vaudreiul, governor-general of Canada, collected his whole force; flattering himself that the attack upon him might be delayed until the approach of winter should render it impracticable, or yield him advantages in the contest. But general Amherst had a force competent to the utter annihilation of the French in Canada, and was too ambitious to effect this object, to procrastinate his efforts. The armies of Quebec, lake Champlain, and lake Ontario, were directed simultaneously on Montreal. With his own corps, composed of ten thousand British and provincials, and one thousand Indians, under sir William Johnson, progressing by the way of lake Ontario and the St. Lawrence, he arrived before the town on the very day that general Murray reached it from below. Colonel Haviland, with the forces from Crown Point, having made himself master of the Isle au Noix, St. Johns, and Chamblee, joined them a few days after. Before this overwhelming power, resistance was vain. The marquis, therefore, in the month of September, surrendered, by capitulation, Montreal, Detroit, and all other places in Canada, to his Britannic majesty. The French troops were to be transported to France, and the Canadians to be protected in their property and religion.

Thus fell the great power of France in America. Possessed of the northern and southern parts of the continent, her encroachments became formidable to the British American empire. Her inordinate ambition goaded her into an attempt to confine her adversary to a narrow slip of sea coast, and

brought upon her the united power of the mother and her colonies; a force which she baffled when feebly directed, but which was irresistible in the hands of a wise and energetic ministry.

The share of the provincials in this grand result is too honourable to the early history of America to be passed over without special notice. They had kept in the field an average force of twenty-five thousand men during the war, and contributed three millions five hundred thousand pounds sterling to the payment of its expenses.* Four hundred privateers from their ports "ravaged the French West India Islands, and distressed the commerce of France in all parts of the world." Their troops preserved the remains of the army wrecked by the folly of Braddock, and under Monckton captured Beau Sejour, in Nova Scotia. Commanded by Sir William Johnson, they destroyed the army of baron Dieskau, took the general prisoner, and subsequently reduced fort Niagara, one of the most important posts on the continent. The merit of these actions is to be ascribed to them solely. In all the marches and battles they were principal sufferers; and where honour was to be gained, the provincial was distinguished by his fortitude in adversity, and his promptitude and courage in the hour of peril.

The subjugation of Canada left general Amherst leisure to attend to the distresses of the south. Late in May (1761) colonel Grant arrived at fort Prince George, with a strong detachment, which was reinforced by a body of colonists and friendly Indians. Early in June these entered the Cherokee country, beat the Indians in a battle fought near the spot where colonel Montgomery had been checked; and by the conflagration of their towns, the destruction of their crops, and the general waste of the district, compelled them again to sue for peace.

George the second died on the twenty-fifth of October, 1760. Official information of his death, and of the accession of his grandson, George III. having been received in Pennsyl-

* Walsh's Appeal.

vania, the latter was proclaimed king with much solemnity on the twenty-first of January, at the court house in Philadelphia, by the governor, attended by the mayor, recorder, governor's council, members of assembly, magistrates, the clergy, members of common council, and the principal inhabitants, amid the acclamations of the people, the discharge of cannon and musketry, and ringing of bells. At the same time the proclamation of the new king was published, continuing incumbents in their offices pursuant to act of 6 Anne. A public entertainment was given at the Fountain tavern by the governor, and another at the ferry on Schuylkill by the merchants and other citizens.

The whole of the forces raised by the province of Pennsylvania had been discharged at the close of the last campaign, except one hundred and fifty men, a part of whom were employed in transporting provisions from Niagara, and in garrison at Presqu'isle and Le Beof. These were detained until they should be relieved by a detachment of the royal Americans, but such was the weakness of that regiment, that this had hitherto been impracticable. The remainder was in garrison at forts Allen and Augusta. The latter, situated at the forks of the Susquehannah, commanded both branches of that river, which rendered its preservation highly important. The governor urged the assembly to provide means to pay the troops for the time they had remained in service beyond their contract, and to maintain fort Augusta. To the latter the house assented after much debate, voting a guard of thirty men; but the former they promptly refused, referring the men for payment to the crown, by which they were employed.

The king required of the province for the year 1761 two-thirds of the force she had brought into the field during the last campaign. The despatches containing these commands were sent from England in December, (1760,) but the Leicester packet which conveyed them was captured by the enemy. The triplicates did not arrive until March. They were laid before the assembly in April, who instantly refused to comply with the requisition; nor could the expostulations or

chidings of the governor and the general induce them to alter their resolution, further than to direct the levy of five hundred men, upon the assurance of the general that they should not be sent from the province. The supply bill of 1760 was similar in its provisions to that of 1759, and contained all the objectionable features of that act, and the apprehension, fancied or real, which the house entertained of its abrogation, and the consequent discredit of the bills issued under it, afforded them a plausible excuse to decline new engagements, which might oblige them to issue additional paper money.

But such apprehension did not restrain them from sending to the governor a like bill, for issuing thirty thousand pounds for the expenses of the current year, which he rejected, proposing to use the money received by the provincial agent from the crown, but the house adhering to their bill, no appropriation was made.*

Mr. Pitt having been overruled in council on his proposition to declare war against Spain, resigned his place, which was filled by the earl of Egremont. By letter from that nobleman, the assembly of Pennsylvania was required to furnish the like number of provincial forces as in the last year, with four hundred and eighty-two recruits for the regular army, giving to the latter such bounty for enlistment as had been given to the provincial troops; on the part of his majesty five pounds was promised to every able-bodied man, between the ages of eighteen and forty-five years, enlisting in the service. The assembly promptly voted one thousand men to be levied, clothed, and paid by the province until the twenty-fifth of November; but they unanimously refused the recruits, because the province was greatly drained of its

* A curious perversion of intellect, once at least paralleled in London, discovered itself in some persons in Philadelphia during the winter of the present year. Some person or persons followed the women found in the streets in the evening, and wounded several of them severely, *par derriere*, with some sharp instrument provided for that purpose. Instances of this kind of violence were so frequent, that the assembly offered a reward of fifty pounds for the detection of each offender.

population, by having furnished a greater number of regulars than had been raised by all the other colonies.

The vote for the provincial forces was rendered nugatory by the failure of the supply bill. The house sent to the governor the draught of an act for issuing bills of credit for seventy thousand pounds, to be redeemed in part by thirty thousand pounds of the money granted by parliament, and the residue by the extension of the excise on spirituous liquors until the year 1772. But as this bill also possessed all the features condemned by the privy council, embracing and providing for all the fiscal wants of the government, instead of being confined to one object; placing the revenue solely at the discretion of the assembly, and making no provision for the proprietary rents, the governor refused to give it his sanction.

The war with Spain, predicted by Mr. Pitt, being at length declared,* the governor convened the assembly in May, for the purpose of communicating to them the intelligence, and obtaining means for the defence of Philadelphia, which he represented to be in great danger, inviting the enemy by its weakness and its wealth. The house, sensible of the dangers arising from the union of France and Spain, with great alacrity appropriated twenty-three thousand five hundred pounds, the parliamentary allotment for 1759, to this object, and resolved to erect a fort, mounting twenty cannon, on Mud island, at the confluence of the Delaware and Schuylkill rivers, commanding the navigation of both, for which they voted five thousand pounds.

During this summer, the governor held a treaty with Beaver and Shingas, chiefs of the Delaware tribe of Indians, who had received no presents since the cessation of hostilities. Fearful of admitting these visiters into the populous parts of the country, the treaty was held at Lancaster; where several tribes from the Ohio, and many individuals from the Six nations, also attended, to brighten and strengthen the chain they had resolved soon to break; yet, in testimony of their sincerity,

* 4th Jan. 1762.

they delivered up several captives they had taken during the war, and promised to restore in a short time all others remaining among them.

The assembly, in the present year, patronised a new edition of the laws, by Weiss and Millar, taking two hundred copies, which they directed to be distributed among the judges, magistrates, and other officers; caused copies taken, by virtue of an act for that purpose, of the papers and documents in the secretary's and surveyor's office, to be authenticated; purchased the remaining lots on the square on which the state-house now stands; passed an act for the suppression of lotteries; and one for paving the streets of Philadelphia; and incorporated the southern suburbs of the city into a district called Southwark.

Richard Peters, having grown weary of his station of secretary of the province, and clerk of the council, resigned these offices, and was succeeded by Joseph Shippen on the second of January, 1762.

The war against France and Spain was not of long continuance; peace being made with both on the third of November, 1762. Our subject requires us to notice the terms of the treaty so far only as they affected the colonies. France surrendered her pretensions to Nova Scotia, and ceded Canada, including Louisiana; Spain yielded Florida. In exchange for this mighty domain, France received the islands of St. Pierre, and Miquelon, near Newfoundland, with a restricted privilege of the fishery, and the islands of Martinique, Guadaloupe, Marigalante, Deseada, and St. Lucia: Spain obtained the restoration of the Havanna—a price more than adequate for Florida; which would not have been paid, but with the design of preserving the eastern shore of North America from foreign influence.

The successful efforts of Mr. Pitt to conquer Canada, were made upon the advice of Dr. Franklin, and the agency of this distinguished American was fortunately effective in determining the British ministry on its retention, against those who preferred to it acquisitions in the West Indies. On a prospect of peace with France, in conjunction with Mr.

Richard Jackson, he wrote a pamphlet, entitled "The interests of Great Britain considered, with regard to the colonies, and the acquisition of Guadaloupe;" exhibiting clearly and forcibly the advantages resulting from the retention of Canada; demonstrating that the security of a dominion is a proper cause for demanding a cession of territory from an enemy; that forts in the back settlements were inadequate for defence against the French and Indians; and that present and future peace and security could be found only in the possession of Canada.*

The tidings of the pacification were communicated to governor Hamilton by the earl of Egremont; who commanded him to express to the assembly his majesty's high displeasure at their artful evasion of his last requisitions, in granting with seeming cheerfulness one thousand provincials, which their obstinate adherence to their supply bill, containing several clauses that had been disapproved by the king in council, defeated; and to inform them that the king considered such conduct as proceeding from a predetermination not to afford any assistance to the general service when the immediate danger was removed from their own door; and that such conduct, equally with their absolute refusal to furnish recruits for the regular forces, had incurred his majesty's just displeasure. This ungrateful commission Mr. Hamilton executed with much delicacy, by laying the original letter of the earl before the assembly without comment. The house entered it upon their minutes, but gave it no further attention.†

During the summer, Dr. Franklin returned to Pennsylvania, rich in the confidence of his constituents, and in the esteem and affection of those with whom he had lately dwelt. During his residence in England, he received the degree of doctor of laws, from the universities of St. Andrews, Edinburgh, and Oxford, and was eagerly admitted a member of most other learned societies in Europe. These were merited rewards for his philosophical discoveries. He had retained his seat in the assembly of Pennsylvania, by annual election,

* Franklin's Memoirs. † Votes. Min. of Council.

during the whole term of his absence; and at the October election after his arrival was again returned from the city of Philadelphia. The house voted him five hundred pounds per annum for the six years of his absence, and directed their speaker to tender him their thanks from the chair.*

The province of Pennsylvania now looked for the enjoyment of a long and undisturbed peace; since her mild and forbearing policy had conciliated the Indians, and their dangerous neighbours, the French, were removed. But the sources in which she sought for safety, were fruitful of dangers. The unprotected state of the frontiers, consequent on the discharge of the forces of the middle and southern colonies, held forth irresistible temptations to the whetted appetite of the border savages for plunder. Their hostility had been rewarded rather than chastised by Pennsylvania; every treaty of peace was accompanied by rich presents, and their detention of the prisoners was overlooked upon slight apologies, though obviously done to afford opportunities for new treaties, and additional gifts. The mistaken and perverted humanity of the "Friendly Association" had softened down their offences, and its apologies gave them confidence in their allegations of injuries received from the whites. These reasons, however, are insufficient to account for the wide extension of the Indian confederacy, which was probably caused by motives of profound policy. The aborigines beheld the French driven out of their whole country, themselves threatened by forts commanding the great lakes and rivers, and they felt that an immediate and mighty effort was necessary to restrain the tide, which now unimpeded would spread itself over the continent.

A secret confederacy was formed among the Shawanese, the tribes upon the Ohio and its tributary waters, and about Detroit, to attack simultaneously all the English posts and settlements on the frontiers. Their plan was deliberately and skilfully projected. The border settlements were to be invaded during harvest, the men, corn, and cattle, to be de-

* Votes.

stroyed, and the outposts to be reduced by famine, by cutting off their supplies. Pursuant to this plan, the Indians fell suddenly upon the traders, whom they had invited among them, murdered many, and plundered the effects of all, to an immense value. The frontiers of Pennsylvania, Maryland, and Virginia, were overrun by scalping parties, marking their way with blood and devastation. The outforts, even the most remote, were assailed about the same time. Le Bœuf, Venango, and Presq'isle, on and near lake Erie; La Ray, upon lake Michigan; St. Joseph's, upon a river of that name; Miamis, upon the Miamis river; Ouachtanon, upon the Wabash river; Sandusky, and Michilimackinack, fell into the hands of the savages, who barbarously murdered the garrisons. These forts, in the security of general peace, were weakly manned, and now their intercourse with the colonies, and each other, being interrupted, the garrisons were separately persuaded that the others were captured, and fell without much resistance. Niagara, Detroit, and fort Pitt, larger, and better garrisoned, were prepared to withstand a longer siege. General Amherst, unable to save the remote posts, confined himself to the relief of these forts. Niagara was not attacked, the enemy judging it too strong. Major Gladwin, who commanded at Detroit, had to sustain the united and vigorous attacks of the nations living upon the lakes. A detachment, under captain Dalzell, was sent to Detroit, with orders to leave a reinforcement at Niagara. Having succeeded in the latter, they arrived at the former on the twenty-ninth of July, 1763, with the loss of seventy men and their commander.

About the first of June, the scalping parties perpetrated some murders in the vicinity of fort Pitt. Upon receipt of this intelligence, governor Hamilton, with the assistance of the provincial commissioners, immediately reinforced the garrison at Augusta, and sent out small parties to protect the frontiers. As the first attack was not immediately followed up by the Indians, the government was willing to believe it to have been the effect of some private resentments, rather than of a general combination for war. But such hopes were

dissipated by inroads upon the settled parts of the province, and the flight of the inhabitants to the interior.

The whole country west of Shippensburg became the prey of the fierce barbarians. They set fire to houses, barns, corn, hay, and every thing that was combustible. The wretched inhabitants whom they surprised at night, at their meals, or in the labours of the fields, were massacred with the utmost cruelty and barbarity; and those who fled were scarce more happy. Overwhelmed by sorrow, without shelter, or means of transportation, their tardy flight was impeded by fainting women and weeping children. The inhabitants of Shippensburg and Carlisle, now become the barrier towns, opened their hearts and their houses to their afflicted brethren. In the towns, every stable and hovel was crowded with miserable refugees, who, having lost their houses, their cattle, and their harvest, were reduced from independence and happiness to beggary and despair. The streets were filled with people; the men, distracted, by grief for their losses, and the desire of revenge, more poignantly excited by the disconsolate females and bereaved children, who wailed around them. In the woods, for some miles, on both sides of the Susquehannah, many families, with their cattle, sought shelter, being unable to find it in the towns. The citizens of Philadelphia hastened to contribute to their relief. Large sums were collected by subscription from individuals and associations in the city, and in all the counties of the province, and judiciously applied for the relief of the sufferers.

After the first panic had passed away, the refugee settlers associated themselves together, and, under the care of divisions of the regular troops and militia, succeeded in collecting and saving the remnant of their crops.

In the latter end of August, a party of volunteers from Lancaster county, one hundred and ten in number, intercepted at Muncey creek hill, a number of Indians, proceeding from Great Island, in the Susquehannah, to the frontier settlements of the province. The Indians, who were about fifty in number, were compelled to fly, after a half hour's sharp firing. They renewed the attack, however, twice on the next day,

but without success. In these skirmishes the Indians lost twelve killed, and many wounded; the provincials, four killed, and as many wounded.

Colonel Armstrong collected a force of about three hundred volunteers from the vicinity of Shippensburg, Bedford, and Carlisle, under captains Laughlin, Patterson, jr. Bedford, Crawford, Sharp, and others, for the purpose of attacking the settlements of Muncey and the Great Island. This little army left fort Shirley, on the Aughwick, on the thirtieth of September, in high hopes of surprising the enemy, and inflicting upon them a severe punishment. But on their arrival they discovered that the Indians had left their settlement some days before. Colonel Armstrong having learned that there was a small village called Myonaghquia, to which it was supposed the savages had retired, pushed on with a party of one hundred and fifty men, and travelled with such expedition and secrecy, that the enemy, a few only in number, were scarce able to escape, leaving their food hot upon their bark tables, which were prepared for dinner. The army destroyed at this village, and at Great Island, a large quantity of grain and other provisions.

Fort Pitt was in the mean time surrounded, and cut off from all communication with the government. The Indians posted themselves under the banks of the Allegheny and Monongahela rivers, and poured upon the garrison from day to day an incessant storm of musketry and fire arrows. But captain Ewyer, and the garrison, which had been increased by the traders who had escaped the Indians, displayed equal patience and resolution in their defence. General Amherst appointed colonel Bonquet to march to their relief, with a large quantity of military stores and provisions, which, for want of other troops, was to be escorted by the shattered remainder of the forty-second and seventy-seventh regiments, yet suffering from their labours at the siege of Havanna.

Colonel Bonquet commenced his march at the beginning of July. Early orders had been given to prepare a convoy of provisions on the frontier, but the affrighted inhabitants had done nothing when the colonel arrived at Carlisle. A

great number of the plantations and mills were destroyed, and notwithstanding the province had endeavoured to save the harvest by raising seven hundred men to guard the frontiers, in many places the full ripe crops stood waving in the field, soliciting the hand of the reaper. The habitations in the greatest part of the county of Cumberland, through which the army had to pass, was deserted, and the roads were covered with families destitute of the necessaries of life, flying from their homes. The supplies of provisions, horses, and carriages, had become precarious, whilst the commander was required by humanity to apportion his own stock to relieve the sufferers. But, after eight days of active exertion on the part of himself and agents, provisions and carriages were procured, with assistance from the interior part of the country.

The force of the colonel did not exceed five hundred men, veterans of approved courage and resolution, but infirm in health, and strangers to the woods and the Indian mode of warfare. A number of them were unable to march on foot, and sixty were carried in wagons, to reinforce the small posts on the route. The inhabitants on the frontier had no confidence in the power of this small army, and declining to join it, they awaited in despondency its defeat, to abandon the country beyond the Susquehannah.

Colonel Bonquet's first object was to relieve fort Ligonier, situated beyond the Allegheny mountains. This place was very important, on account of the stores it contained, which, in possession of the enemy, would enable them to persevere in their attack on fort Pitt, and to reduce the army to the greatest straits. He despatched a party of thirty men, who succeeded in joining the garrison, being undiscovered by the enemy until within sight of the fort, into which they threw themselves, after receiving some running shot.

The army advanced to the remote verge of the settlements, without intelligence of the number, position, or motions of the enemy. But the Indians had regular and correct intelligence of the proceedings of the English, and having learned the advance of the troops, broke up the siege of fort Pitt, with

the resolution to attack them on their march. In this state of uncertainty the commander deemed it prudent to leave his wagons at fort Ligonier, and to proceed with pack horses. Before him lay a dangerous defile at Turtle creek, several miles in length, commanded the whole way by high and craggy hills. This he purposed to pass by a forced march the ensuing night, after a short delay to refresh his troops at Bushy Run.*

When within a half mile of that place, about one o'clock in the afternoon, his advance guard was attacked by the Indians, but being speedily and firmly supported, the enemy was beaten off, and pursued some distance; but when the pursuit ceased, they returned with vigour to the attack, whilst several other parties who had been concealed among the heights along the English flanks, discovered themselves, and poured in an obstinate and destructive fire. A general charge was necessary to dislodge them, but it produced no decisive advantage; for as soon as the savages were driven from one post they appeared at another; and, reinforcements coming in, they at length surrounded the whole detachment, and attacked the convoy in the rear. To protect this, the main body was compelled to fall back, and though assailed with great vivacity, its steadiness and courage preserved it from confusion, and it finally succeeded, with fixed bayonets, in repelling the enemy from all their posts, when the fall of night prevented further operations.

The colonel encamped on the battle ground, placing the convoy and the wounded in the middle, the troops disposed in a circle, encompassing the whole. In this manner the army passed a wakeful and anxious night, obliged to the strictest vigilance by the enterprising enemy surrounding them. The morning was awakened by the shouts and yells of the foe, who, at the distance of five hundred yards, encircled the camp, and endeavoured in this way to create terror by their numbers and ferocity. Boldly attacking the lines, they strove, under an incessant fire, to penetrate them; and,

* August 5th, 1763.

though often repulsed, were never discouraged. The British troops, though continually victorious, were in continual danger; suffering under the fatigues of the long march and action of the preceding day, and by the total want of water, more intolerable than the enemy's fire. To change their position was impracticable, without endangering the loss of their convoy and wounded. Many of the horses were lost, and the drivers of others, stupified by fear, were hidden in the bushes, incapable of hearing or obeying orders. Their situation became extremely perplexing and critical; their most active efforts making no impression upon the enemy, who gave way when pressed, but resumed his position when the impulse was withdrawn. Besieged rather than engaged, attacked without interruption, and without decision, unable to advance or retreat, they had the dreadful apprehension of crumbling away by degrees, unhonoured and unavenged. They were saved from the fate of Braddock by the superior skill of their commander. Sensible that every thing depended upon bringing the savages to a close combat, which they might not discontinue at pleasure, he resolved to increase and to profit by their confidence, which had grown with their success. For this purpose he contrived the following stratagem. The troops still remaining in the situation of the night, he ordered two companies, most advanced, to fall within the circle, and their places to be filled by opening the files to the right and left. A company of infantry, and one of grenadiers, were placed in ambush to support the two first, who moved on the feigned retreat, but were designed to begin the real attack. The Indians fell into the snare. Mistaking these movements for a retreat, they abandoned the woods which covered them, advancing intrepidly, but without order, pouring in a galling fire. But at the moment when they fancied themselves certain of success, and masters of the camp, the retreating companies suddenly turned upon them, from a part of the hill where they could not be observed, and fell furiously on their right flank. The Indians resolutely resisted, but on the second charge, unable to sustain themselves against disciplined numbers, they gave way, and fled, leaving

many dead upon the ground. At this instant the troops in ambush gave them their full fire, and the four companies united in the pursuit, until the enemy was totally dispersed. The Indians, upon the other quarters, were kept in awe during the engagement by the rest of the troops, who were ready to fall upon them on the least motion. Having witnessed the defeat of their companions, without any effort to support them, they at length followed their example, and retired, leaving the road to fort Pitt unobstructed. But one of the main objects of the expedition was lost by the necessity of destroying a large portion of the provisions, in consequence of the number of horses killed during the engagement. The loss of the enemy in killed was about sixty; that of the English, about fifty, together with sixty wounded. Four days after the battle the colonel, with the remainder of his convoy, reached fort Pitt, against which the savages no longer prosecuted any designs, having retreated to their remote settlements.

The colonel, not having sufficient force to pursue the enemy beyond the Ohio, nor reason to expect a timely reinforcement, and having distributed his supplies of provision, ammunition, and stores, among the posts, secured his army against the approaching winter. He was rewarded for his conduct on this occasion, by the approbation of the king, published in general orders in New York, in the following January.

This expedition of colonel Bouquet served in a great measure to employ the Indians, and to protect, for some time, the frontiers of Pennsylvania from their devastations. And had the assembly been properly seconded, an effectual defence would have been provided. They voted eight hundred men, to serve until December, and passed a bill for raising twenty-five thousand pounds for their maintainance. But this bill being modelled after those which had already been rejected, met with a like fate. But the next assembly, urged by new outrages of the Indians, committed in Northampton county, appropriated twenty-four thousand pounds to the public defence; twelve thousand pounds from the parliamentary allot-

ments in the hands of the trustees of the loan-office, seven thousand from the sum granted for fortifying the city, one thousand from the duties upon mulatto and negro slaves, and four thousand from the fund established for the Indian trade.

As the winter approached, and the dread of the regular forces subsided, the savages commenced and prosecuted their outrages on the northern and western frontier, and, occasionally, penetrated the interior counties. They seldom appeared in force, and when they did, were uniformly defeated and routed by the rangers, or parties of the inhabitants; but in small parties, stealing through the woods, they attacked the settlers in their houses in the dead of the night, or whilst engaged in their occupations in the fields; burning houses and barns, and slaughtering men, women, and children. Sometimes these parties were discovered and pursued, and, when overtaken, shot or bayonetted without mercy. The road to fort Pitt was again interrupted. A supply of provisions, under the convoy of sixty men, was forwarded from Bedford to fort Pitt, but, on gaining the foot of the Allegheny mountains, was compelled to return, having learned that the passages were occupied by the savages. Some fragments of the Delaware and Six nation tribes remained at their settlements in the interior, refusing to join their brethren in arms, professing affection to the colonists, and avowing a determination to continue neutral. But the neutrality of a part at least of these Indians was very doubtful. Many outrages were committed in consequence, as was generally believed, of the information and advice they gave to the invaders; and some murders were perpetrated, which the public voice ascribed to a party under the protection of the Moravian brethren. (1)

A conviction that these professed friends were secret enemies, aroused in some inhabitants of Lancaster county, where those murders were perpetrated, a spirit not less savage than that of the ruthless aborigines, and a determination to extirpate them. In prosecution of this design, a number of armed and mounted men, principally from Donnegal and Paxtung or

(1) See note 2 R, Appendix.

Paxton townships, attacked an Indian village, occupied by the remains of a tribe of the Six nations, on the Conestoga manor, and barbarously massacred some women and children, and a few old men; amongst the latter, the chief, Shaheas, who had always been distinguished for his friendship towards the whites.* The majority of the Indian villagers were abroad at the time of the attack, and to protect them against the perpetrators of this inhuman action, were placed under the protection of the magistrates, in the workhouse, at Lancaster. But the fury of the people was not yet allayed. Assembling in greater numbers, they forced the prison, and butchered all the miserable wretches they found within its walls. Unarmed and unprotected, the Indians prostrated themselves with their children before their murderers, protesting their innocence and their love to the English, and in this posture they all received the hatchet. It is not possible to exculpate the magistrates of the town from the charge of criminal negligence, since it was in their power to have prevented this assassination, or to have arrested the perpetrators. Captain Robinson, with a company of highlanders, on their way from Pittsburg, being then at Lancaster, put himself in the way to receive the commands of the civil authority, which made no effort to use the force thus offered it.† A proclamation was issued by the governor, after the first outrage, expressing the strongest disapprobation of the action, and offering a reward for the discovery of the perpetrators, but without effect: after the second massacre, another proclamation was issued, but no discovery was made.

Upon the news of these proceedings, the Moravian Indians were removed to the Province island, near the city. The insurgents threatening to march down, for the purpose of destroying them also, the assembly resolved to oppose force to force, and passed a vote of credit to cover any expense that might consequently be incurred. But the Indians, frightened at the fury of their enemies, petitioned the legislature to send them, a hundred and forty in number, with their two

* 14th December. † Votes. Min. of Council. MSS. of James Pemberton.

ministers, to England. But this being impracticable, the governor furnished them an escort, to proceed through New Jersey and New York, to sir William Johnson, under whose protection they were desirous to place themselves. William Franklin, then governor of New Jersey, granted them a passport; but governor Colden of New York, by advice of his council, refused to admit them within his province. The council of New York were offended by governor Penn sending so large a body of Indians into their colony without their consent; and professed themselves more disposed to punish than to protect the Indians from the east side of the Susquehannah, whom they considered as their worst enemies, composed of the rogues, thieves, and runaways, from other Indian nations. They also condemned the policy which returned these men to strengthen their nation. The progress of the Indians being thus obstructed, general Gage, who had succeeded general Amherst in the chief command of the English forces in America, directed two companies of the royal Americans to re-escort them to Philadelphia, where they were secured in the barracks. Their return, however, reanimated the ire of their enemies in Lancaster, who, assembling in large numbers, marched for the city.* The force of the insurgents was very considerable; since six companies of foot, one of artillery, and two troops of horse, were formed to oppose them; and some thousands of the inhabitants, (including many Quakers†) who did not appear, were prepared to render assistance, in case an attempt should be made upon the town. The barracks, also, where the Indians were lodged, under the protection of the regular troops, were fortified; several works being thrown up about them, and eight pieces of cannon mounted. But the governor would not venture to command his forces to attack the insurgents, until he obtained indemnity for himself and them, by the extension to the province of the English riot act. The bill extending it was passed very hastily through the house.

* January. † Heckewelder's Narr. Franklin's Life. Penn. Gaz. 1764, No. 1833.

The insurgents, finding the ferries over the Schuylkill guarded, proceeded to Germantown; where, learning the amount of the force raised to oppose them, they listened to the advice of some prudent persons who visited them, and to the remonstrances of the agents of the governor, and promised to return peaceably to their habitations, leaving two only of their number to represent their views to the government. The alarm in the city was great. The governor fled to the house of Dr. Franklin for safety;* and nothing but the spirited measures of the inhabitants of the city, saved it from the fury of an exasperated armed multitude, who would not have hesitated to extend their vengeance from the Indians to their protectors.†

These insurgents were not the ignorant and vulgar of the border counties; persons more likely to yield to their passions, than to respect the laws of their country and of humanity. They were of such consideration, that whilst the public voice and the press execrated the cruelty and illegality of their conduct, they forbore to name the guilty individuals. Nor did the latter remain silent and shrink from reproach, without an attempt at self-defence. They urged the repeated murders perpetrated by the Indians, their convictions of the union of the neutral with the belligerent tribes; and, being presbyterians, in their religious zeal, they found a justification for their slaughter of the Indians, in the command given to Joshua to destroy the heathen. This latter plea gave the Quakers, who were their most active opponents, an opportunity of exclaiming against the uncharitableness of their creed, and their savage mode of maintaining it.

Matthew Smith, and James Gibson, were the persons selected by the insurgents to lay their grievances before the governor and assembly. This they did by a memorial in behalf of themselves and the inhabitants of the counties of Lancaster, York, Cumberland, Berks, and Northampton, com-

* Franklin's Mem.

† Heckewelder unhesitatingly charges the rioters with the design of subverting the government; but the opinion of a prejudiced judge must not be taken for fact. Heckewelder's Narrative.

plaining that these counties were unequally represented in the assembly, sending collectively ten members only, whilst the three counties of Philadelphia, Chester, and Bucks, sent twenty-six: that a bill had passed the assembly, directing the trial of persons charged with the murder of an Indian in Lancaster county, to be had in some one of the latter counties: that, whilst more than a thousand families, reduced to extreme distress, during the last and present war, by the attacks of skulking parties of Indians upon the frontiers, were destitute, and were suffered by the public to depend on private charity, a hundred and twenty of the perpetrators of the most horrid barbarities were supported by the province, and protected from the fury of the brave relatives of the murdered: that the cruelties of the Indians were extenuated, and efforts improperly made to excite commiseration for them, on the plea that they were not parties to the war; "But, in what nation," said the memorialists, "was it ever the custom that, when a neighbouring nation took up arms, not an individual of that nation should be touched, but only the persons that offered hostilities? who ever proclaimed war with part of a nation, and not with the whole? Had these Indians disapproved of the perfidy of their tribe, and been willing to cultivate and preserve friendship with us, why did they not give notice of the war before it happened, as it is known to be the result of long deliberation and preconcerted combination? why did they not leave their tribe immediately, and come amongst us, before there was cause to suspect them, or war was actually waged? No, they staid amongst them, were privy to their murders and ravages, until we had destroyed their provisions, and when they could no longer subsist at home, they came—not as deserters, but—as friends, to be maintained through the winter, that they might scalp and butcher us in the spring."

The memorialists further remonstrated against the policy of suffering any Indians whatever to live within the inhabited parts of the province, whilst it was engaged in an Indian war; experience having taught that they were all perfidious, and that their claim to freedom and independence enabled

them to act as spies, to entertain and give intelligence to our enemies, and to furnish them with provisions and warlike stores. To this fatal intercourse, between pretended friends and open enemies, they ascribed the greatest part of the ravages and murders that had been committed during the last and present wars. This grievance they prayed might be considered and remedied.

They remonstrated against the neglect, by the province, of the frontier inhabitants, who had been wounded in its defence, and required that they should be relieved at the public cost. They expostulated against the policy of the government, in refraining to grant rewards for Indian scalps, "which damped the spirits of many brave men, who were willing to venture their lives against the enemy;" and they proposed that public rewards might be granted for these trophies, adequate to the danger of procuring them. They lamented that numbers of their nearest and dearest relatives were retained in captivity among the savage heathen, to be trained up in their ignorance and barbarity, or be cruelly tortured to death for attempting their escape: and they prayed that no trade might be permitted with the Indians until their prisoners were returned.

They complained that the "Friendly Association," during the late war, and at several treaties held by the king's representatives, openly loaded the Indians with presents; and that Israel Pemberton, a leader of that association, in defiance of the government, not only abetted its Indian enemies, but kept up private intelligence with them, and publicly received from them a belt of wampum, as if he were the governor, or was authorized by the king to treat with his enemies; teaching the Indians to believe the inhabitants of the province to be a divided people; whence had arisen "many of the calamities under which they groaned."

The declaration and memorial were printed, and copies distributed throughout the province. These extenuated, if they did not justify, in the eyes of the partizans of the Paxton boys, their inhuman murders at Conestoga and Lancaster, and their traitorous expedition to Philadelphia. Their

partizans were found chiefly among the presbyterians, now a numerous religious sect in the province; to whom, according to the belief of their opponents, the use of the sword in civil and religious warfare was not objectionable; and who believed it wiser to exterminate than to convert the heathen. They were totally opposed to the policy of the Quakers; who, confiding in the natural goodness of the unsophisticated tenants of the forests, would assign no cause for their hostility, other than the injuries they had received from the whites. Whilst, therefore, the one party was labouring to destroy by fire and sword a perfidious and ferocious enemy, the other was striving to conciliate an offended friend. That this conflicting policy encouraged the Indians, by inducing them to believe that the justice of their cause had friends amongst the aggressors, cannot be doubted; but there is every reason to infer, from the profound veneration the Indians entertained for the Quakers, and the attention they paid their messages, that had the Friends been permitted to follow out their plans of benevolence, the Indian war would never have existed, or would have been of short duration.

The memorial of Gibson and Smith was sustained by another, having fifteen hundred signatures. But the county of Berks, by its grand jury, protested against it. The assembly sent both memorial and protest to a committee, which recommended a conference with the insurgents, in order to convince them and the people that their complaints were unfounded. The house invited the governor to participate in this conference, but he declined the measure, as incompatible with the dignity, and subversive of the order, of the government. He recommended them to investigate the merits of the petitions, and should any bill grow out of the investigation, he promised to give it due attention. The assembly took no further steps. The bill directing persons charged with murdering an Indian in Lancaster county, to be tried in Philadelphia, Bucks, or Chester, became a law, but no conviction for that offence was ever had, the number and power of the guilty protecting them from punishment.

During the preceding year, the legislature encouraged the printing of another edition of the laws—subscribing for two hundred copies. In the present year, their labours were distinguished by an attempt to limit the continuance of actions in the courts of law; and a bill for this purpose was sent to the governor, who refused his concurrence, alleging that every court of record has power to make rules, which have the force of laws on the suitors and gentlemen of the bar in such courts, to bring to a speedy termination all causes depending therein; and if any evils had arisen from the too long continuance of actions in the courts of the province, he deemed it safer to leave them to be remedied by the courts, than to compel the parties to try at a fixed time.

A spirit for public improvement was at this time very prevalent, displaying itself in the erection of a light-house, churches, and other public buildings. The ordinary sources of public and private donation were inadequate to accomplish all that was desired, and recourse was had to lotteries, which were granted with great liberality, and were frequently conducted with little care. Experience has taught us that public morals at least are not improved by this mode of raising money. In one year (1765) lotteries were granted to aid the following churches; the episcopalian churches at York, Reading, Carlisle, St. Peter's and St. Paul's at Philadelphia, St. Paul's at Chester, St. John's in the township of Concord, Chester, St. Martin's at Marcus Hook; the Lutheran church and a presbyterian meeting-house in Lancaster county; beside these, there was one for a light-house at Cape Henlopen, and one for a bridge over the Skippack creek. The interests of commerce were promoted by the purchase of the lower half of Reedy island, at the head of the Delaware bay, and the erection of piers for the convenience and security of vessels delayed from putting to sea by adverse winds.

In despite of the demand for labour, which had every where prevailed, and which had been increased by the resort of the people to domestic manufactures, the poor-system, so fruitful in creating the pauperism it was designed

to remedy, became very opppressive. The poor-rates of the city alone now exceeded four thousand pounds per annum. Impatient of this expenditure, the legislature, on the address of the grand jury, authorized the erection of an almshouse and house of employment, by a corporation which they created, consisting of the city, the districts of the Northern Liberties, and Southwark, and the townships of the Northern Liberties, Moyamensing, and Passyunk. At the opening of the alms-house, in October, 1767, there were admitted two hundred and eighty-four persons, and the number was in January following, three hundred and sixty eight.

## CHAPTER XVII.

Arrival of John Penn····He convenes the assembly····Measures proposed against the Indians····Disputes between the governor and assembly on the tax bill····The assembly propose to petition for a royal government····Submit the proposition to their constituents····Adopt petitions to the king for a change of government····Opposition to this measure in the province by the presbyterians····Supported by the Quakers····Assembly determine to send an additional agent to Great Britain.

JOHN PENN, esq.* succeeded Mr. Hamilton as lieutenant-governor of Pennsylvania, in November, 1763. He convened

* On his arrival he received the congratulations of the mayor and commonalty, the rectors, ministers, church wardens, and vestrymen of the united congregations of Christ church and St. Peter's, the missionaries of the church of England, the vice provost, and professors of the college, the managers and trustees of the Pennsylvania hospital, the corporation for the relief of the poor and distressed presbyterian ministers, the baptist church, the directors of the library company, the merchants and traders of Philadelphia, the ministers and elders of the presbyterian churches, of the monthly meeting of friends of Philadelphia, of the union library company of Philadelphia; and, subsequently, of the assembly at their meeting. It appears to have been an established custom for every association having a political or public character, to pay this compliment to every governor on his *accession*, as the phrase was. Mr. Penn arrived at Philadelphia on the thirtieth of October, 1763, on Sunday. This day is distinguished by a severe shock of an earthquake, accompanied with a loud roaring noise, which greatly alarmed the inhabitants of the city and vicinity. Most of the religious congregations were assembled at the time, and much confusion, though but little injury, happened from their efforts to escape from the buildings, which they feared would fall upon them. The sky was clear, and wind moderate, at south-west. MSS. by James Pemberton.

the assembly soon after his arrival, to obtain their aid in the extensive measures resolved upon for the reduction of the Indians. General Gage had determined to attack them on two sides, and to force them from the frontiers by carrying the war into the heart of their own country. One corps was destined, under colonel Bradstreet, to act against the Wiandots, Ottawas, Chippewas, and other nations, living upon or near the lakes; whilst another, under the command of colonel Bonquet, should attack the Delawares, Shawanese, Mingoes, Mohiccans, and other nations between the Ohio and the lakes. These corps were to act in concert, and as that of colonel Bradstreet would be first ready, he was directed to proceed to Detroit, Michilimackinack, and other places, and on his return to encamp and remain at Sandusky, to awe from that position the numerous tribes of western Indians, and prevent them from rendering aid to those on the Ohio, whilst colonel Bonquet should attack the latter in the midst of their settlements.

Part of the forty-second and sixtieth regiments were allotted to colonel Bonquet, to be joined with two hundred friendly Indians, and troops from Virginia and Pennsylvania. The Indians never came, and Virginia could spare but few men, having already organized seven hundred for the defence of her own frontier. The quota of Pennsylvania was one thousand.

The assembly, with great alacrity, resolved to raise this force; and to maintain it they voted fifty thousand pounds. Desirous to avoid the delay consequent upon a dispute with the governor on their supply bill, they did not propose that the bills to be issued under the act, should be a legal tender in payment of the proprietary rents. But this forbearance was in vain, for a new difficulty was raised by the governor. By the agreement of the provincial agents in 1757 with the proprietaries, before the privy council, the proprietaries' located uncultivated lands were not to be assessed higher than the lowest rate of assessment at which any located uncultivated lands belonging to the inhabitants should be assessed. The governor now insisted that the proprietary lands,

of whatever quality, should be rated at the lowest valuation of the worst lands of the tenants, and that a provision to that effect should be inserted in the supply bill. The assembly, with more reason, construed this agreement to mean, that the lands of the proprietaries should not be rated higher than the lowest rate of the lands of the inhabitants, due regard being had to quality; and they proposed that the lands of the proprietary, as those of the inhabitants, should be divided into two qualities, and be assessed accordingly. The demand of the proprietaries was selfish and unjust, and recalled to the minds of the people the narrow and sordid spirit which had long distinguished them. The house, in their resistance to this exaction, did not measure their terms, nor hesitate to advert to the deep interest the governor held in the pretensions of his father and uncle. But the assembly could not persevere. The savage and relentless foe harassed the frontier; the people prayed for protection, which could not be rendered without money, and the house was compelled not only to admit this very objectionable feature into the bill, but to strike from it, a clause recognising the provisions of the act of supply passed in the year one thousand seven hundred and sixty.

In the bill now passed the various kinds of property subjected to taxation were classed and arranged upon principles which have served as the basis for subsequent assessments for county and other taxes. We therefore give them somewhat at large. Improved marsh meadow, in the county of Philadelphia, was rated, the best, situation considered, at ninety pounds the hundred acres, the worst, at thirty pounds; in the counties of Bucks and Chester, the best at sixty, and the worst at thirty pounds the hundred acres; and meadows of intermediate value at a comparative proportion; the marsh meadows not cleared, but embanked, the best at twenty, and the worst at ten pounds the hundred acres in all the counties. Cultivated lands and plantations, with buildings and improvements thereon, were rated at three-fifths of such yearly value as the assessors should judge they would rent for, allowing sufficient timber land for repairs and fuel; and cultivated

lands, actually rented, at three-fifths of the rent reserved; the unimproved parts of such plantations to be rated as located unimproved lands; and the latter at fifteen pounds for the best, and five pounds for the worst, the hundred acres, regard being had to their situation; and lands of intermediate value at comparative proportions; houses and lots, in cities, boroughs, and towns, at three-fifths of their yearly rent, and grass lots in, or near them, at a like rate, and unimproved lots in and near them at the sums they did or might rent for; ground rents and quit-rents at their full value; lands appertaining to furnaces and forges, as other lands; and if the rents of the furnaces and forges did not exceed such valuation, that was to be the rate of assessment; but if the rent exceeded such valuation, half the difference was to be added to the estimate. Mills were to be valued at three-fifths of their annual rent, and the appurtenant lands as uncultivated. Trades, professions, and occupations, to be rated at the discretion of the assessors, upon an estimate of their annual profits; annual salaries, and lucrative posts, at four-fifths of their annual produce; ferries, at three-fifths of their product, and their appurtenant lands as uncultivated; horses were to be valued at thirteen and four pence per head; horned cattle, above three years old, at six shillings and eight pence, and sheep at one shilling per head; bought white servants, from fifteen to fifty years of age, were taxed at thirty shillings; negroes and mulatto slaves, from twelve to fifty years of age, at four pounds per head; single men, resident in the province, at fifteen shillings per head. The assessors were invested with discretionary power to exempt from taxation, in part or in whole, for the space of two years, the inhabitants on the frontiers, who had sustained losses by Indian ravages.

The victory of the proprietaries over the people on the supply bill, produced sentiments so hostile to their government, that an earnest disposition was evinced to throw off their dominion. The assembly appointed Messrs. Galloway, Franklin, Rodman, Pearson, Douglass, Montgomery, and Tool, a committee to consider and report upon the present circumstances of the province, and the grievances of its

inhabitants. They reported twenty-six resolutions, which were approved by the house, and form a manifest of their reasons for seeking the immediate protection and government of the crown. They asserted, that the proprietaries, having delegated their powers, were legally to be considered in no other light than as private owners of property, without any share in the power of legislation: That the obstruction and delays so frequent to the measures of the crown during the late war were owing entirely to the proprietary instructions, relative to their private interests: That all the mischiefs to the province, attributed by the governor to the assembly, were occasioned by such obstructions, and chargeable wholly to the proprietaries: That it was high presumption in any subject to interfere between the crown and the people, and by private instructions to a deputy-governor, enforced by penal bonds, to prevent the people from granting, and the crown from receiving the supplies necessary for his majesty's province. They declared that no injustice had been done to the proprietaries in the taxation of their estates, and that no cause had been given them to apprehend such injustice: That the assemblies had, for a long course of years, shown their regard for the proprietary family, having bestowed upon it and its deputies within the last forty years, near fourscore thousand pounds; in return for which the present proprietors had, ever since their accession, endeavoured to annihilate the privileges granted by their father to encourage the settlement of the province: That from attachment to their interest, and to increase the revenues of their deputies, arising from licenses, the proprietaries had grossly abused the benevolence of the people which granted them, and public houses and dram shops had been increased to an enormous degree, to the great corruption of morals in the populace, and scandal of the government; and from the same causes reasonable bills for preventing this evil had been frequently refused by the proprietary governors: That the policy of the proprietaries in locating and surveying for themselves and their dependants, large tracts of land, immediately after their purchases from the Indians, and reserving them for a future market, was the cause

that the frontiers were sparsely settled; and the inhabitants, thereby less able to defend themselves, had become a more easy prey to small skulking parties of the enemy; that, holding a monopoly of the lands of the province, the proprietaries were enabled to keep up those that were vacant and unlocated, at exorbitant prices, paying no quit-rents nor taxes, and being under no obligation to settle them within any limited time; that from this cause many thousand families had been driven from the province to Maryland, Virginia, North and South Carolina, carrying with them much wealth, doubly weakening the colony by the loss of its defenders and its treasure: That whilst the avarice of the proprietaries thus enfeebled the state, it was the more unreasonable to oppose the taxation of their estates, and to put the province to great expense in obtaining a judgment against them at home: That their present demand to have the best and the most valuable of their located uncultivated lands, rated and assessed at no higher rate than the worst and least valuable of the located uncultivated lands belonging to the inhabitants, was equally unreasonable and unjust, with any of their former claims; and that the advantage which they took of the public calamities, and the enforcement of their claims, with the knives of the savages at the throats of the people, was unjust, tyrannical, and inhuman: That the appointment of judges during the pleasure of the proprietors, rendered the property and liberty of the subject precarious, and dependent on their will: That the unfavourable light in which the province was at present viewed by the king and his ministers, was the effect of proprietary calumny and misrepresentation: That the militia law proposed by the governor was inadmissible, because the fines for military offences were enormous, and calculated to enslave the people; and the power to appoint the officers, and to march the militia to any part of the province, and keep them in service for an unlimited time, was such as could not be safely trusted in the hands of a proprietary governor; and that courts martial, proposed by the governor, composed of officers of his own appointment, having power of life and death, were dangerous, and might be used as a destructive engine of

proprietary power: That the sole executive powers of government being in the hands of the proprietaries, together with the extensive and growing influence arising from their vast and daily increasing estate, must, in future times, according to the natural course of human affairs, render them absolute, and become as dangerous to the prerogatives of the crown as to the liberties of the people: That for these reasons it was the opinion of the house, that the powers of government ought, in all good policy, to be separated from the power attending that immense property, and lodged where only they could be properly and safely lodged, in the hands of the king.

Having unanimously adopted these resolutions, the assembly resolved to consult their constituents before they proceeded further towards their contemplated change of government. For this purpose, they declared, that "as all hope of happiness under the proprietary government was at an end, they would adjourn, in order to consult the people, whether an humble address should be drawn up, and transmitted to his majesty, praying that he would be graciously pleased to take the people of this province under his immediate protection and government, by completing the agreement heretofore made with the first proprietor, for the sale of the government to the crown, or otherwise, as to his goodness and wisdom should seem meet."

After an adjournment of fifty days, the house re-assembled on the fourteenth of May, encouraged to proceed in their measures to effect a change of the government. Petitions to the king for that purpose were presented, signed by three thousand five hundred of their constituents. The inhabitants who disapproved of the measure, seemed to have viewed the exertions of the members of the assembly with extraordinary apathy; for though, during the recess, meetings were held among the people for signing and circulating the petitions, no efforts were made against them, except in an obscure township in Lancaster county, whence a memorial with forty names, evidently signed by three hands only, was

sent, opposing the change. The Quakers too, as a society, were active in supporting it. They also presented a petition to the assembly, addressed to the king, expressing their sorrow for "the continual disagreements and contests which for many years had subsisted between the proprietaries and assemblies, to the great interruption of the peace and welfare of the province;" and their earnest request, that he "would be graciously pleased to take the government of the province under his immediate care and direction; confiding in his royal clemency and favour for the continuance and confirmation to them and their posterity of those inestimable religious and civil liberties, which encouraged their forefathers, at their own expense, to settle and improve the colony."

The assembly resolved to transmit this petition to the king, accompanied by one from themselves. The latter, drawn by Dr. Franklin, was signed by him as speaker; but was not entered upon the minutes, nor published in the province; a copy of it was preserved among the doctor's papers. It stated, "that the government of the province by *proprietaries* had, by long experience, been found inconvenient, attended with many difficulties and obstructions to his majesty's service, arising from the intervention of proprietary private interest in public affairs, and disputes concerning those interests.

"That the government was weak, unable to support its own authority, and maintain the common internal peace of the province—great riots having lately arisen therein, armed mobs marching from place to place, and committing violent outrages and insults on the government with impunity, to the great terror of his majesty's subjects; that these evils were not likely to receive any remedy here, the continual disputes between the proprietaries and people, and their mutual jealousies and dislikes, preventing. They therefore prayed that his majesty would be graciously pleased to *resume* the government of the province, making such compensation to the proprietaries as should be just and equitable, and permitting his dutiful subjects to enjoy, under his majesty's more imme-

diate care and protection, privileges that have been granted to them by and under your royal predecessors."

On the consideration of this petition, the first serious opposition to the designs of the assembly displayed itself. The venerable Isaac Norris disapproved of it; and aware that, as speaker of the house, it would be his duty to sign it, obtained permission to enter his reasons for dissent upon the minutes: but, unwilling openly to array himself against his friends, and worn down by age, he preferred to retire for the present from the assembly, and the next day sent them his resignation as speaker. He was succeeded by Dr. Franklin.

John Dickenson, already distinguished for his learning, talents, and success at the bar, was a member of the assembly, and hitherto had voted and acted with the majority; on this occasion, however, he eloquently and ably opposed them. But his speech, richly fraught with political wisdom, was powerless in the house. On the question for transcribing the address for a third reading, Messrs. Dickenson, Saunders, Montgomery, and Richardson, were the only persons who voted in the negative. The three first offered a protest, which was refused a place on the minutes, on the ground that such a course was out of order, and would form a mischievous precedent.

Mr. Galloway replied to Mr. Dickenson in a short speech, afterwards amplified for the press. The address of Mr. Dickenson having been published with a preface by Dr. Smith, Mr. Galloway's was also published, with a preface by Dr. Franklin. The latter also wrote and published a pamphlet on this subject, entitled "Cool thoughts on the present situation of public affairs."

The publication of these, and other pamphlets, more remarkable for intemperance and scurrility, than for argument or wit, awakened the people to an earnest consideration of the proposed change of government. The presbyterians took up the subject with their customary zeal. Upon the last adjornment of the assembly, a circular letter had been written by Gilbert Tenant, Francis Allison, and John Ewing,

presbyterian clergymen of Philadelphia, by order of the synod, to their church connexions in the province, against the petition; and, as the riots of which the house complained, were alleged to have been promoted and defended by that people, they had a deep interest, independent of their political objections, in opposing the prayer of the petition. These divines exerted themselves to render the Quakers unpopular in the province and in England, by charging them with having secretly supported the Indians, by holding treaties and correspondence with them during the war, and of having bestowed on them arms, and ammunition, and tomahawks, even when they were murdering the frontier inhabitants; with having neglected to redeem the captives taken by the Indians; with having refused to contribute to the relief of the distressed frontier inhabitants, though during the late war they had expended five thousand pounds in presents to the Indians." And to remove the odium which had attached to their sect, by the Lancaster massacres, and the tumultuous march of the Paxton zealots against the Indians at Philadelphia, they gave a perverted account of these transactions, which they published, together with their accusations, in the newspapers of London.*

The elections for members of assembly, in 1764, turned upon the question of changing the government; and, such were the exertions of the friends of the proprietaries, and the hostility to change, in the city and county of Philadelphia, that their active opponents were not re-elected. Thomas Willing and George Bryan were returned from the city, in the places of Dr. Franklin and Samuel Rhoads; and Galloway, Evans, and Fleeson, were rejected in the county of Philadelphia; in Cumberland county, Mr. John Montgomery was unanimously elected, because of his opposition to the proposed alteration; but in the other counties, no change was made inimical to the views of the preceding house. The majority, therefore, was great in favour of prosecuting the

* Votes. Pamphlets. A caricature published at this time represents Mr. Pemberton in the act of distributing tomahawks from a cask to the Indians.

application to the crown, notwithstanding petitions with fifteen thousand signatures had been procured against it.

An attempt was made in the house to recall the petitions which, though sent to the agent, had not been presented to the crown, but this was overruled by a vote of twenty-two to ten. It was then proposed to instruct the agent not to present them until he should receive further orders from the house; this was negatived also by a large majority; and the only concession the house would consent to make to the fears and arguments of the minority, was the adoption of a resolution, instructing their agent to proceed in the matter with the utmost caution, for securing to the inhabitants, under a royal government, all those privileges, civil and religious, which by their charters and laws they had a right to enjoy under the present constitution; and if, upon the most careful inquiry, and mature deliberation and advice, he should apprehend that in the proposed change there was danger to those privileges, he should withhold the petitions in his hands.

The resolution of the assembly was strengthened by the report of their agent, made in May, 1766, authenticating the confirmation by the crown of the laws passed in 1705, containing the principal provisions of the proprietary charter. In October, 1766, the committee of correspondence, on the part of the assembly, instructed their agents, that the house concurred in opinion with the three last preceding assemblies on the necessity of changing the present government from proprietary to royal, and that therefore they should prosecute the petitions to an issue before his majesty in council; but that they should observe the instructions formerly given, relative to the preservation of their rights, and, in case their petitions should be finally rejected by the crown, that they should not petition parliament without the previous approbation of the assembly.

The house was unwilling to entrust a subject of such great magnitude to the care of an individual, and therefore resolved to appoint another agent to assist him.

## CHAPTER XVIII.

Cupidity of the British government excited by American prosperity····Mr. Grenville's proposition for taxation···· Considerations thereon····Convention of colonial agents···· Reception of the proposition in Pennsylvania, &c.·····Vexatious character of the proposed duties····Unpopular means of enforcing payment····Resolutions and proceedings of the Massachusetts colony····Of Pennsylvania····Resolution of Pennsylvania to send an agent to England····Appointment of Dr. Franklin····Opposition to his appointment····Stamp act passed····Reception in America····Congress of representatives from the colonies proposed····Resolutions of the assembly of Pennsylvania on the stamp act····Western expedition under colonel Bonquet····Submission of the Indians ····Treatment and restoration of prisoners by the Indians ····Disposition of the army····Rewards to colonel Bonquet ····Treaty with the Indians····Rewards offered by the governor of Pennsylvania for Indian scalps····Stamp officers appointed····Mr. Hughes compelled to decline executing the office····Reception of the stamps····Suspension of newspapers and law business····Resolution of the inhabitants to manufacture····Congress at New York····Efforts against the stamp act in Europe····Change of ministry····Repeal of the stamp act····Moderation of the colonists on the repeal ····Rejoicings in Pennsylvania····Remonstrance against the act of parliament, concerning paper currency····Obituary notice of Isaac Norris····Issue of notes by association of merchants····Theatre, remonstrance against it····Injuries to the Indians····Apprehension of Indian hostility····Measures to avert it····Indian trade.

The power and wealth displayed by the colonies during the late war surprised the British ministry, and awakened in

the mind of Mr. Grenville, first commissioner of the treasury, an ardent hope of creating for himself a character for financial skill, and of relieving the parent state from a portion of her burdens, by the taxation of the provinces. Parliament had frequently imposed duties on the colonial trade, which were patiently borne, as a part of the general system for regulating the commerce of the empire; but no attempt had hitherto been made avowedly to raise a revenue from the colonies for the use of the British treasury.*

The right of parliament to legislate generally for the colonies, had not been questioned since the year 1692, when Massachusetts and New York denied it by acts of their legislatures. These laws were annulled in England; and in 1696 parliament declared that "all laws, by-laws, usages and customs, which shall be in practice in any of the plantations repugnant to any law made, or to be made, in this kingdom, relative to the said plantations, shall be void and of none effect." By the charter of Charles II. to Penn, the right of parliament to lay duties on imports and exports, and to impose taxes or customs on the inhabitants of Pennsylvania, their lands, goods, and chattels, was clearly reserved. And in 1739 sir William Keith, in conjunction with some American merchants, proposed to raise troops for the western frontiers, to be supported by a duty laid by parliament on stamped paper and parchment, in all the colonies. But the subject was at that time too inconsiderable to claim the attention of the government. When efforts were made to unite the colonies in 1754, a plan for colonial taxation was suggested, but the ministry finding the colonies averse to their views, did not venture to press it on the eve of a war, in which the cordial and undivided exertions of the whole nation were required.†

A more favourable occasion seemed now to present itself. The war which had grown out of American interests had been honourably terminated, and the colonies were protected for ever against French aggression. Gratitude, it was suppos-

* Burke's speech, 19th April, 1774 † Marshall.

ed, would still the murmurs which avarice might be disposed to utter, and the provinces would cheerfully repay the care of a fostering mother. Nor would these anticipations have proven erroneous had the designs of the ministry threatened no other consequence than a single pecuniary burden on the people.

Towards the end of the year 1763, Mr. Grenville convened the colonial agents then in London, and communicated his purpose of drawing a revenue from America, by means of a stamp duty to be levied by act of parliament. He directed them to communicate this intelligence to their respective assemblies, in order that if any other duty, equally productive, would be more agreeable, he might be informed of it by their answers. The view which was taken of this subject in Pennsylvania was that taken by all the provinces.

The colonies were considered as integral governments, of which the crown was the head; having exclusive political power within their respective territories, except in cases involving the general interests of the empire, in which, from principles of convenience and necessity, they admitted the supremacy of the British parliament. On these principles they had submitted to the general regulations of commerce, however restrictive of their exertions at home and abroad; and even where the letter of the law weighed heavily on their natural rights, murmurs were seldom heard, as such acts were not rigidly enforced. The mode of drawing aids from the colonists accorded with the principles of their governments. The sovereign having well considered the occasion in his privy council, directed his secretary of state to apply to each colony through its governor, to grant him such sums as should be suitable to its ability. And as the colonies had always made liberal grants on such requisitions, the proposition to tax them in parliament, was cruel and unjust. By the constitution, therefore, their business in matters of *aid* was with the king alone; they had no connexion with any financier, nor were the provincial agents the proper persons through whom requisitions should be made. For these reasons, it was improper for the province to make propositions to Mr. Gren-

ville in relation to taxes, especially as the notice he had sent did not appear to have been by the king's order, "and was perhaps without his knowledge.*"

These reflections certainly did not proceed from a desire to avoid contribution in relief of the public wants. The assembly of Pennsylvania declared, "that as they always had, so they always should, think it their duty to grant aid to the crown, according to their abilities, when required in the usual constitutional manner." Like votes were passed by other colonies, copies of which were presented to Mr. Grenville, and an opportunity was thus offered him to raise, by constitutional means, more than a compulsory tax would produce. But the minister had resolved on measures which should leave no doubt of the absolute supremacy of parliament over her provinces, and which would open the way for its unrestrained exercise.

When forming his plan of American taxation, Mr. Grenville certainly did not apprehend all its consequences. But, aware that it would be opposed, he was desirous to try an old measure under a new aspect, and proposed in distinct terms, to *raise a revenue* by taxes on colonial imports. But this measure, sufficiently obnoxious in itself, was accompanied by a resolve of parliament, that "it may be proper to charge certain stamp duties in the colonies." The act of parliament based on the first proposition was extremely onerous to the American trade, the duties thereby imposed amounting almost to a prohibition of commercial intercourse with the French and Spanish colonies. It is true, this trade, previous to the passage of the act of which we now speak, was unlawful, but it was connived at, and was highly profitable, furnishing to the provinces gold and silver for their remittances to England. But Mr. Grenville, in his care to prevent smuggling, would not stay to consider the difference between an advantageous trade in the western hemisphere, and the illicit commerce on the British coast. Converting naval officers into officers of the customs, he nearly destroyed the whole colo-

* Votes. Franklin's lett. March 8, 1770.

nial trade with the Spanish and French islands. The preamble to the new impost law, declaring it to be just and necessary that a revenue should be raised in America, and the resolution to follow it up with a stamp act, gave an unequivocal and odious character to that law, and sent it forth to the colonies as a pioneer of a system of boundless oppression, which the provincialists were not less slow to discover, by reason of their commercial difficulties growing out of the treasury restrictions.

The revenue act became still more unpopular by the means used to enforce it. The penalties for breach of its provisions were made recoverable in the courts of admiralty, without the intervention of a jury, before judges dependent on the crown, and drawing their salaries from forfeitures adjudged by themselves. The duties were required to be paid in gold and silver, now scarce attainable, and consequently the paper currency, more than ever necessary, was rejected and depreciated.

The impression made by these measures on the public mind was uniform throughout America. The legislature of Massachusetts, whose population, essentially commercial, felt most severely the late restrictions, was the first to notice them. That body resolved, "that the act of parliament relating to the sugar trade with foreign colonies, and the resolutions of the house of commons in regard to stamp duties, and other taxes proposed to be laid on the British colonies, had a tendency to deprive the colonists of some of their most essential rights as British subjects and as men—particularly the right of assessing their own taxes, and of being free from any impositions but such as they consented to, by themselves or representatives." They directed Mr. Mauduit, their agent in London, to remonstrate against the ministerial measures, to solicit a repeal of the sugar act, and to deprecate the imposition of further duties and taxes on the colonies: they addressed the assemblies of the other provinces, requesting them to unite in a petition against the designs of the ministry, and to instruct their agents to remonstrate against at-

tempts so destructive to the liberty, the commerce, and property of the colonies.

The assembly of Pennsylvania referred the circular from Massachusetts to a committee,* with directions to prepare instructions to their agents. In the report of this committee, adopted by the house, they contended, that, by the charter of Charles II., the right of assessing their own taxes, and freedom from impositions not imposed by the representatives of the people, were fully granted: that, independently of the charter, these were the indubitable rights of all the colonists as Englishmen: that they had paid a valuable consideration to the crown for their charter and laws, by planting and improving a wilderness, far distant from the mother country, at a vast expense and risk of lives, greatly increasing the commerce of the nation, and adding a large tract of country to the crown: they admitted, that, in seasons of danger, there was a necessity for some plan to oblige the colonies to grant the necessary aids, and to contribute to the general defence, and that the colonies might be expected to propose some mode adequate to these ends. Such a plan, they said, was then under their consideration, which would preserve the rights of the crown and the liberties of the colonists. This plan they proposed to transmit to him immediately, that, if approved, it might be established by a temporary act of parliament.

But this design of framing a system for taxing the colonies, was abandoned, in consequence of the proposition from Rhode Island, made to a succeeding assembly,† to collect the sense of all the colonies, and to unite in a common petition to the king and parliament. The Pennsylvania agent was advised of the change, which was attributed to the disjointed state and separate interests of the several colonies. He was further instructed to declare, that the province laboured under an immense load of debt, produced by her grants to the crown, during the late war, besides a half million sterling,

* Committee;—Messrs. Fox, Rhoads, Rodman, Pearson, Carpenter, M'Connaughey, Allen, Ross, and Tool.

† October.

now due from her merchants to the mother country: that the late act of parliament relating to foreign sugar, coffee, and molasses, deprived them of a market for their surplus produce, now too great for the consumption of the English islands alone, and was rendered more grievous by giving no drawback of duty in case of exportation of West India commodities to Europe: that the value of British manufactures annually imported by Pennsylvania amounted to seven hundred thousand pounds sterling, whilst the return exports did not exceed three hundred thousand pounds: that, if debarred access to the European markets with their lumber and iron, and denied the benefit of drawback on West India produce, they would be unable to make their payments to the British merchants and manufacturers: that, since the Indian war, their fur-trade was destroyed: that the province was drained of specie, and their paper, the great circulating medium, was sinking in value, threatening them with the deprivation of a proper medium for trade: that the province was totally unable to pay heavy taxes, the late appearances of wealth and prosperity having flowed from temporary causes: that a late act, requiring all wines of European growth to be landed in England, and pay a duty there before re-shipment, was a vexatious, troublesome, and expensive burden. The agent was further instructed, iron having become a staple commodity of Pennsylvania, to obtain permission to export it to any port in Europe, since vessels directly for England were not to be procured to transport half the iron made in the colonies; and he was directed to remonstrate against the prohibition to export lumber to Europe and to the foreign West Indies, as deeply injurious to the colonists, cutting off entirely this article of export, it being too bulky to bear a double freight. Copies of these instructions were sent to the legislatures of Massachusetts and Rhode Island.

But the assembly of Pennsylvania were not content with these exertions. They resolved to send Dr. Franklin to England as their agent; one qualified by his information and talents to promote their views relative to the change of the proprietary government, and to instruct the ministry in the

true interests of the empire. The choice of the house alarmed the proprietary party, who earnestly remonstrated against it. They denied the right of the assembly to change the form of government; and, though such right were admitted, they declared it inexpedient to exercise it whilst measures were pending in England which might prove fatal to all the colonies. They urged also, that the change of government could no longer be deemed necessary, since the proprietaries had consented to comply with the wishes of the people in relation to the taxation of their estates. But if an additional agent were necessary, they represented Mr. Franklin as disqualified for the station by his party engagements and prejudices, having proposed and ardently supported the change of government, which he might still endeavour to effect, though now reprobated by more than three-fourths of the inhabitants of the province: that his enmity against the proprietaries would prevent a cordial co-operation with them against the designs of the ministry, whom it was not to be presumed he would venture to offend, himself and son holding lucrative offices under the crown: and that a man of his moderate fortune could not be expected to sacrifice his interests to the public weal. For these reasons, the remonstrants recommended the selection of some gentleman in England of independent fortune, who had influence with the ministry and the house of commons, and with whom the proprietaries and the agents from the other colonies might co-operate. They urged the house to delay their final vote upon the appointment until the sense of the people could be taken, when, they asserted, three-fourths of the province would petition, not only against a change of government, but against the employment of Mr. Franklin, particularly, as an agent in provincial affairs. This memorial produced considerable debate in the assembly, but the popular party stood firmly, and elected Mr. Franklin by a vote of nineteen to eleven. The minority proffered a protest, comprising the objections in the memorial, but the house refusing them permission to enter it upon their minutes, they published it with their signatures attached. The treasury being at this time empty, the necessary funds for the outfit of

the agent were advanced by individuals. This opposition to the appointment of Dr. Franklin affected him deeply; having been made by men with whom he had long been connected in public and private life, among whom were Messrs. Dickenson, Bryan, and M'Connaughey. On the eve of his departure, he published some remarks on the protest, which produced a most virulent and calumnious warfare between his friends and the conspicuous members of the proprietary party, in which Mr. Allen, the chief justice, was a distinguished sufferer.*

The efforts of the American colonies to stay the mad career of the English ministry proved unavailing. The stamp act was passed with slight opposition by the commons, and with unanimity by the lords.† Dr. Franklin laboured earnestly to avert a measure which his sagacity and extensive acquaintance with the American people taught him was pregnant with danger to the British empire; but he entertained not the idea that it would be forcibly resisted. He wrote to Mr. Charles Thompson, "The sun of liberty is set, you must light up the candles of industry and economy." To which Mr. Thompson replied, "he was apprehensive that other lights would be the consequence." To Mr. Ingersol, the doctor said, "Go home and tell your people to get children as fast

* Dr. Franklin was appointed 26th October, 1764, and left the province November 1.

Mr. Hughes, the friend of Mr. Franklin, to bring the doctor's friends and enemies to some issue, proposed in the public journals that, if Mr. Allen or any gentleman of character would avow himself the author of a pamphlet, entitled "An answer to Mr. Franklin's remarks on a late protest," a proper reply should be made to the pamphlet; and, on condition that such person would engage to pay the sum of five pounds for every falsehood or gross misrepresentation contained in such pamphlet to the Pennsylvania hospital, Mr. Hughes would pay five pounds to the same use for every charge which should be proved against the doctor's character: the arbitrament to be decided by referees from other colonies.

† The stamp act was passed on the 22nd of March, 1765. It was under consideration of parliament in March of the foregoing year, but was postponed, it was said, by the exertions of Mr. Allen, chief justice of Pennsylvania, at that time on a visit to London.

as they can," intimating, that the period for successful opposition had not yet arrived.

Although the assembly of Pennsylvania was in session when tidings of the passage of the stamp act reached Philadelphia, they took no public notice of it; but if their indignation was momentarily restrained, by prudential motives, they were not insensible to the violation of their rights. The assembly of Virginia, also in session at this time, by the adoption of the resolutions offered by Mr. Patrick Henry, asserting the exclusive right of that colony to tax herself, prepared the people of the greater part of the provinces for systematic opposition. The assembly of Massachusetts proposed that a congress of committees from the assemblies of the several provinces should be convened at New York, on the second Tuesday of October, to consult on the present state of the colonies. This proposition was communicated to Mr. Fox, speaker of the Pennsylvania assembly, in June, but was not laid before the house until September; but immediately upon its receipt, he convened such of the members as were resident in the city, or its vicinity, and by their instructions gave assurances to Massachusetts of the disposition of Pennsylvania to support the measure. Upon the meeting of the assembly, Messrs. Fox, Dickenson, Bryan, and Morton, were appointed on the part of the province, "to consult with the committees appointed by the other colonies on the present circumstances of the colonies, and the difficulties they are, and must be reduced to, by acts of parliament, for levying duties and taxes upon them; and to join with the said committees in loyal and dutiful addresses to the king, and two houses of parliament, humbly representing the condition of these colonies, and imploring relief by a repeal of the said acts." The committee was strictly enjoined to frame their addresses in the most respectful terms, avoiding every expression that might be offensive to his majesty, or to either house of parliament.*

The sense of the assembly of Pennsylvania upon the stamp

* Votes.

act was more fully expressed in ten resolutions, reported by a committee,* declaring, That the province, whenever required by his majesty for carrying on military operations for the defence of America, had most cheerfully contributed its full proportion of men and money: That when in future his majesty shall require aid from the inhabitants in a constitutional manner, it will be their duty most cheerfully and liberally to grant their proportion of men and money for the defence, security, and other public services of the British American colonies: That the inhabitants of the province are entitled to all the liberties, rights, and privileges of his majesty's subjects in Great Britain or elsewhere; and that the constitution of the government of this province, being founded on the natural rights of mankind, and the noble principles of English liberty, is, or ought to be, perfectly free: That it is the inherent birth-right and indubitable privilege of every British subject to be taxed only by his own consent, or that of his legal representatives, in conjunction with his majesty, or his substitutes: That the only legal representatives of the inhabitants of this province are the persons they annually elect to serve them as members of assembly: That the taxation of the people by any other power than their representatives in assembly is unconstitutional, and subversive of their most valuable rights, of the public liberty, and destructive of public happiness: That to vest in courts of admiralty power to decide suits relating to the stamp act, and other matters, foreign to their jurisdiction, is highly dangerous to the liberties of his majesty's American subjects, contrary to *magna charta*, and destructive of trial by jury: That the restraints laid by the late acts of parliament on the trade of the province, at a time when the people laboured under an enormous load of debt, must of necessity be attended with fatal consequences, not only to the province, but to the trade of the mother country: That the assembly deem it their duty thus firmly to assert, with modesty and decency, their inherent rights, that posterity may learn, that it was not by their con-

* Committee, Messrs. Strettel, Willing, Knight, Pearson, Wright, Allen and Ross.

sent that taxes should be levied upon them by others than their representatives; and that these resolves might bear testimony of the zeal and ardent desire of the present house, to preserve their inestimable rights, which, as Englishmen, they possessed since the province was settled, and to transmit them to their children.

The bill for raising troops for the western expedition under colonel Bonquet, received the sanction of the governor on the thirtieth of May, 1764, but the compliment of forces was not obtained until August. On the fifth of that month the troops assembled at Carlisle, under their officers, lieutenant-colonel Francis, and lieutenant-colonel Clayton. After an address from the governor, designed to inspirit the men, and deter them from desertion, the command of the Pennsylvania quota was delivered to colonel Bonquet, under whom colonel Reid served as second in chief. War had been declared by governor Penn against the Shawanese and Delaware Indians, and their confederates, on the seventh of July. On the thirteenth of August the army reached fort Loudon, having lost, in eight days, three hundred men by desertion; and on the fifteenth of September arrived at Pittsburg, where it was reinforced by troops from Virginia. Whilst at fort Loudon, colonel Bonquet received despatches from colonel Bradstreet, dated Presqu'isle, August 14, informing him that peace had been concluded with the Delaware and Shawanese; but as these savages continued their murders and depredations, the former placed no confidence in their sincerity, and resolved to prosecute his enterprise unless countermanded by general Gage. But that officer, for like reasons, refused to ratify the treaty, and renewed his commands to both armies to attack the enemy. The propriety of this resolution was soon obvious. The express sent to colonel Bradstreet from fort Pitt with Bonquet's answer to his communication was murdered, and his head placed on a pole in the middle of the road. With faithless policy the Indians had entered into the treaty of Presqu'isle, merely to gain time for removing their families.*

* Penn. Gazette. Hutchins' account of the expedition against the Ohio Indians.

On the third of October colonel Bonquet, with fifteen hundred men, departed from Pittsburg, and on the evening of the twenty-fifth encamped at the forks of the Muskingum river, in the heart of the hostile Indian country. This promptitude, supported by the reputation acquired by the colonel in the preceding year, intimidated the enemy, and induced him to sue for peace. Conferences were holden with the several tribes of Delawares, Senecas, and Shawanese; who, having surrendered such of their white prisoners as were immediately within their power, and given pledges for the restoration of such as could not then be brought in, were compelled to render hostages for their good behaviour until peace should be concluded with sir William Johnson, who was empowered by the crown to treat with them.

The conduct of the British commander throughout this expedition was distinguished by prudence and firmness, which made a durable impression on the minds of the Indians, whose ready and humble submission witnessed their reverence for his character. They obeyed his commands implicitly, and suffered him to depose a chieftain of the Turtle tribe for delay in appearing before him, electing another at his bidding.

Two hundred and six prisoners, men, women, and children, were restored; many of whom were joyfully received in the camp by their relatives, who had joined the army with the design of redeeming them from slavery, or avenging their deaths. Some of the captives had dwelt long enough with the Indians to acquire a taste for their wild and simple life, and to inspire their masters with ardent affection. Force was necessary in several instances to bring the prisoners to the camp, where their captors, with cheeks bedewed with tears, delivered them to their countrymen, loading them with corn, skins, and other property, bestowed upon them whilst in the Indian families. On the return of the army, some of the Indians obtained leave to accompany their former captives to fort Pitt, and employed themselves in hunting and carrying provisions for them on the road. "These qualities in savages," says the author of the historical account of the

expedition against the Ohio Indians,* "challenge our just esteem. They should make us charitably consider their barbarities as the effect of wrong education, and false notions of bravery and heroism; whilst we should look on their virtues as sure marks that nature has made them fit subjects of cultivation as well as us, and that we are called by our superior advantages to yield them all the helps we can in this way. Cruel and unmerciful as they are by habit and long example, in war, yet whenever they give way to the native dictates of humanity, they exercise virtues which Christians need not blush to imitate. When they once determine to give life, they give every thing with it which, in their apprehension, belongs to it. From every inquiry that has been made, it appears, that no woman thus saved is preserved from base motives, or need fear the violation of her honour; no child is otherwise treated by the person adopting it than the children of his own body; the perpetual slavery of those captivated in war, is a notion which even their barbarity has not yet suggested to them; every captive whom their affection, their caprice, or whatever else, leads them to save, is soon incorporated with them, and fares alike with themselves." From their appearance, and their own statements, the Indians suffered greatly during the war. Their clothes, ammunition, and provisions, were expended, and the most abject misery prevailed among them. In their reduced and feeble state, the whites found greater assurance of safety than in their returning friendship.

The army returned to fort Pitt on the twenty-eighth of November. The regular troops were sent to garrison the several posts on the route of communication with the interior, and the provincial soldiers and restored prisoners to their several provinces. Cessation of hostilities was proclaimed on the fifth of December, and colonel Bonquet arrived in Philadelphia early in January. He was honoured with votes of thanks by the legislatures of Virginia and Pennsylvania; the

* Hutchins.

former requested the governor to recommend him to his majesty's ministers, as an officer of distinguished merit, in this as in every former service in which he had been engaged. But before this recommendation reached the royal ear, he was promoted to the rank of brigadier-general, and to the command of the southern district of America.

The Indians, faithful to their engagements upon this occasion, delivered up their prisoners at the promised time; and concluded by their deputies a satisfactory treaty with sir William Johnson; who, in the preceding August, had negotiated a treaty at Niagara with two thousand other Indians, embracing the Six nations, and delegates from most of the northern and western tribes, stipulating for the surrender of their prisoners, indemnification for losses sustained by the traders, and cessions of large tracts of land between the lakes Ontario and Erie.

During this war, the barbarous policy introduced by the French, and recommended by the agents of the Paxton insurgents, was again resorted to for the destruction of the enemy. By the proclamation of the seventh of July, 1764, governor Penn offered the following bounties for the capture, or scalp, in proof of the death, of an Indian;—for every male above the age of ten years captured, one hundred and fifty dollars; scalped, being killed, one hundred and thirty-four dollars; and for every female Indian enemy, and every male under the age of ten years, captured, one hundred and thirty dollars; for every female above the age of ten years scalped, being killed, fifty dollars.

The British ministry, desirous to render the stamp act as little obnoxious as possible, resolved to appoint the officers of distribution and collection from among the discreet and reputable inhabitants of the provinces. A meeting of the colonial agents in London was held at the office of Mr. Grenville, and they were requested to nominate fit persons for the performance of these duties. Dr. Franklin recommended his friend and admirer, John Hughes of Philadelphia, who

* Votes.

was accordingly commissioned. This act of the doctor was greatly misrepresented in Europe and America. The friends of parliamentary supremacy in the one, regarded it as an admission of the British right, whilst the friends of liberty in the other, especially among the proprietary party in Pennsylvania, affected to consider it as an abandonment of her cause. The delusion, however, was momentary only; the frank and decisive conduct of Franklin soon removing this false colouring.*

But there existed no means to reconcile the people to a law every where regarded as the forerunner of political slavery. The stamp officers were hung or burned in effigy, in several of the provinces; and violent outrages were committed on the persons and property of the deputy-governor and other officers at Boston. On Saturday, the fifth of October, the ship Royal Charlotte, bearing the stamped papers for Jersey, Maryland, and Pennsylvania, convoyed by a sloop of war, arrived at Philadelphia. On the appearance of these ships around Gloucester point, all the vessels in the harbour hoisted their colours at half-mast, the bells were muffled, and every countenance assumed the semblance of mourning. At four o'clock of the afternoon, many thousand citizens assembled at the state house to consider of the means for preventing the distribution of the stamps. The first step proposed, was to require Mr. Hughes to resign his commission. A deputation of seven gentlemen waited upon him for that purpose, to whom he gave assurances that he would not attempt to enforce the stamp act until it should be generally submitted to in the other colonies, but he refused to resign his office. The indignant multitude refrained from resorting to violent measures, in consideration of the dangerous sickness with which he was then afflicted. Instead of repairing to his house, as was first designed, they contented themselves with exacting from him a written declaration, by the succeeding Monday, that he would not execute his office. His answer, reiterating the assurance he had given to the committee, was received

* Franklin's Memoirs. Pamphlets.

by the people with shouts of approbation. They suffered him for the present to retain his commission; but becoming convalescent, he was compelled to enter into a public engagement that he would not assume his office until required so to do by the people.* The stamps brought by the Royal Charlotte, and others which subsequently arrived at Philadelphia, were secured, with the assent of the people, on board his majesty's ship of war Sardine, then lying in the harbour.

By the law the stamp duty was to commence on the first of November. On the previous day the newspapers were put in mourning for their own approaching extinction; the editors having resolved to suspend their publication until some plan should be devised to protect them from the penalties of publishing without stamps. The term of suspension, however, was short. On the seventh of November a semi-sheet was issued from the office of the Pennsylvania Gazette, without title or mark of designation, headed, "No stamped paper to be had;" and, on the fourteenth of the same month, another, entitled, "Remarkable Occurrences;" both were in the ordinary form of the Gazette, and on the twenty-first, its regular publication was resumed.†

The inhabitants generally resolved to manufacture for themselves, and to obtain a supply of wool they determined to refrain from the use of lamb during the year. This was not more a measure of resentment than of necessity, growing out of the restrictions on their trade with the foreign West Indies and South America. The merchants and traders of Philadelphia cheerfully followed the example of the other commercial towns, by adopting a non-importation agreement, pledging themselves neither to give orders for shipping goods nor to sell merchandise sent them on commission, except such as should be manufactured in Ireland, and be imported directly from thence. The names of more than four hundred traders

* The reluctance of Mr. Hughes to accede to the wishes of the people, rendered him very unpopular, and occasioned his expulsion from a fire company, of which he was a member.

† Penn. Gazette.

were obtained to this agreement, by the committee appointed for that purpose.*

The universal refusal of the inhabitants of the colonies to submit to the stamp act, occasioned the entire suspension of legal proceedings. In some of the provinces, however, business was speedily resumed, and in nearly all, the penalties of the act were braved before its repeal. In Pennsylvania the public offices were closed on the gloomy first of November, and were not opened until May, some days after news had been received of the intended repeal of the act.

Delegates from the assemblies of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina, assembled at New York at the time appointed.† The provinces of New Hampshire, Georgia, Virginia, and North Carolina, did not send deputies; but the two former gave assurances of their disposition to unite in petitions to the king and parliament; the assemblies of the two latter not having been in session since the proposition for a congress had been made, had no opportunity to act upon the subject. Having chosen for their chairman Mr. Timothy Ruggles, of Massachusetts, the congress adopted a declaration of their rights and grievances, upon which they founded a petition to the king, and a memorial to parliament. In these instruments they claimed the full rights and privileges of English subjects, averred the plenary legislative power of the colonial assemblies, protested against taxation by parliament, and the abolition of the trial by jury; and earnestly pressed upon the attention of the parent state, the burdens imposed by the stamp, and other acts, with the utter impossibility of continuing the execution of the former, in consequence of the drain of specie it would produce. A difference of opinion prevailed upon the question, whether the petitions and memorials should be signed and transmitted by the congress, or should be sanctioned and forwarded by

* Names of the committee: Thomas Willing, Samuel Mifflin, Thomas Montgomery, Samuel Howell, Samuel Wharton, John Rhea, William Fisher, Joshua Fisher, Peter Chevalier, Benjamin Fuller, and Abel James.

† Second Tuesday of October.

the provincial assemblies, as their several acts. Messrs. Ruggles, of Massachusetts, and Ogden, of New Jersey, believing in the propriety of the latter mode, refused to sign with the other delegates; but their conduct was censured by their constituents, and Mr. Ogden, thereupon, resigned his seat in the assembly, of which he was speaker. Two of the delegates only from Pennsylvania signed these papers; Mr. Fox not having attended the congress, and Mr. Dickinson having been called home by his private affairs before the addresses were prepared. The whole proceedings were cordially approved by the assembly of Pennsylvania, who voted their thanks to their committee.

During these cis-atlantic endeavours to obtain redress for American grievances, the colonial agents, the friends of freedom and equal rights, and the merchants interested in the American trade, were not idle in Great Britain. The refusal to import her manufactures touched her in a vital part. The great diminution of orders for goods, so honourable to the self-control of the colonists, compelled a powerful class of traders to advocate liberal principles, who, under other circumstances, would have buried their love for political freedom beneath the hopes of lessening their own burdens by a revenue from America. The colonial agents, and those generous spirits which could appreciate the injuries of the Americans, were actively employed in making converts to their cause by the force of reason, whilst the merchants, manufacturers, and labourers, filled the kingdom with their cries against the impolicy of measures, which, designed to replenish the treasury, had resulted in the diminution of commerce, the suspension of remittances from the colonies, and the derangement of the business of a vast portion of the empire. Powerful as this combination certainly was, it was resisted by the most imperious passions, the pride and avarice of the people. The lofty position assumed by the Americans was intolerable. They had long been viewed as men of an inferior race. The arrogant philosophy of Europe had placed them and the animal productions of their country low in the scale of perfectibility. By the mass of the English vulgar they were ranked with

savages and negroes. The colonies, the dependencies of Great Britain, on which she had for years poured forth the scourings of her prisons, had denied her supremacy, and refused to submit to her parliament, hitherto deemed throughout her vast empire politically omnipotent. With the sin of a rebellious temper, they were also charged with ingratitude. Under the pressure of accumulated debt and heavy taxation, the English people envied the display of wealth by the provincialists during the late war, and forgot that its exhibition was made in the common cause, with a generosity which had enforced from English justice the return of a million sterling. Thus supported, the ministry that sought relief for the people by taxing American industry, would scarcely have been driven from their purpose. But other causes transferred the government to other statesmen, whom consistency required at least to reverse measures, which they had denounced with unqualified reprobation.

Under the new ministers an inquiry was instituted into the effects of the colonial policy of their predecessors. The merchants and manufacturers gave ample testimony of the paralysis in trade, whilst Dr. Franklin, as the representative of America, before a committee of the whole house of commons, demonstrated the impossibility of levying the new impositions, and the consequent necessity of their repeal. The majority of parliament was now divided into two parties: The larger one affirmed the right to tax the colonies, but denied the expediency of its present exercise; the other, led by Mr. Pitt, repudiated this right, on the ground that all aids are gifts from the people, and can never be legally obtained without their assent, and that this assent could not be had in parliament, since the colonists were not there represented. A repeal on these principles, however just, according to the English constitution, would not have saved the pride of the nation, and would have destroyed the hopes of future revenue at the will of parliament. Hence the repeal of the stamp act, which took place on the eighteenth of March, by a vote of two hundred and seventy-five to one hundred and sixty-seven, was accompanied by a declaration of the right of parliament

to tax America. It was followed by an act indemnifying those who had incurred penalties on account of stamp duties.

The tidings of this event were received in America with joy more temperate than might have been expected from the excitement of the public mind. The prudence displayed on this occasion had been earnestly recommended by a committee of merchants in London trading with America, and by others friendly to American interests. At Philadelphia, the master of the vessel which brought the news was presented with a gold lace hat. On the evening following his arrival (twentieth of May) the city was illuminated, bonfires were lighted, and many barrels of beer distributed among the populace; but there was no riot or disorder. The principal inhabitants gave an entertainment, at which the mayor, assisted by the aldermen, presided, and the governor and strangers of distinction were guests. At the close of the festival it was unanimously resolved by the company, that, in gratitude for the repeal of the stamp act, each would, on the birth-day of his majesty, dress himself in English manufactures, and give his home-spun to the poor. Some hundreds of citizens were present, and conducted themselves with remarkable decorum. Whilst in their toasts they lauded their friends in England and America, they avoided the arrogance of triumph, and refrained from reproaching those who might have been deemed their enemies. The birth-day of the king (the fourth of June) was celebrated with great pomp and splendour. The assembly dined with the governor, and a *fête* was held by the citizens on the banks of the Schuylkill. During the whole of the late interesting controversy the conduct of Pennsylvania was exemplary. Her firm resistance of the stamp act, and the principles on which it was based, was evinced by the resolutions of the assembly, the unanimous refusal of her citizens to use the stamps, and the accurate, profound, and temperate discussion of the rights of the colonies, and of the parent state, in the journals and pamphlets of the day. But there was no noisy associations of self-styled *sons of liberty*, nor destruction of the property belonging to officers of the crown. Even the stamp officer, as we have seen, was suffered to re-

tain his commission upon his simple pledge not to exercise it unless requested by the people. General Conway, secretary of state, on communicating officially to the governor the repeal of the stamp act, requested him to assure the assembly of his majesty's approbation of the wise, prudent, and dutiful behaviour of the province, amid the too prevailing distractions which had so generally agitated the colonies.

To effect the specie payment of the stamp duties, it was deemed necessary to prohibit by act of parliament the making of future issues of paper money in the colonies a lawful tender. In Pennsylvania this act was a serious grievance, and the assembly instructed their agents earnestly to solicit its repeal; in support of which they relied upon the assistance of the American merchants in London; since without such repeal, the exports to the colonies would be limited, and the people reluctantly driven to manufacture for themselves.

On the thirteenth of July, died the venerable Isaac Norris, after a long indisposition. He was a statesman of distinguished reputation, and an active and upright magistrate. In the political disputes of the colony, he uniformly adhered to the popular party, and possessed its unvarying confidence. He succeeded his father as a burgess of the city in the year 1735, and represented the city or county of Philadelphia for thirty years successively in the assembly. In 1759, he solicited his constituents to release him from the service to which he had been so long devoted, declaring it to have been his intention some years before, to retire from public life; "but that the violent attacks of power openly made upon their rights, had induced him still longer to bear the burden of contending with unreasonable men, however inconvenient to his private affairs; but resolving never to ask a vote to get into the house, nor, when there, to solicit for any employments or posts of private advantage, he had made this the invariable rule of his conduct. I have now," continued he, "served you three times seven years complete, and have discharged my duty cheerfully, as a debt due to my country, to the best of my understanding, through the vigour of my life and health; but as my years advance, and my health be-

comes very precarious, I request and desire that you will acquit me from further attendance, and choose some other person at the ensuing election to represent you in my stead." Notwithstanding this earnest appeal, he was again returned at the ensuing election, and continued to be re-elected until 1765, when his infirm health, and dissatisfaction with the attempt to change the proprietary government, induced him peremptorily to refuse a re-election.

During the years 1767 and 1768, the annals of Pennsylvania afford few subjects of historical interest. An effort was made to supply an alleged deficiency in the circulating medium, by the emission of promissory notes from an association of merchants in the city of Philadelphia. But the public either had not confidence in the plan or members of this association, or the addition they designed to the currency was unnecessary. For, on the remonstrance of the citizens, the assembly resolved that the issue of such notes had a manifest tendency to injure the trade of the province, and to depreciate the value of its currency. Under such reproof, this early attempt at banking proved abortive.*

But the assembly was unable to suppress a measure highly repugnant to their moral principles. The religion of the Quakers, as well as that of the various sects who draw their creed from the school of Calvin, condemn most species of public amusements as dangerous to public morals, affording temptations to inordinate excitement of the passions, and opportunities for the indulgence of vicious propensities. Dramatic performances, balls, and concerts, were considered especially condemnable. Yet the intercourse of the inhabitants of Philadelphia with the troops and strangers brought there by the war, had so relaxed this austerity, that balls, plays, and concerts, became favourite amusements. A theatre was erected at considerable expense in Southwark, where plays were exhibited, notwithstanding the assembly remonstrated with the governor upon their pernicious influence, and urged him to prohibit them.†

* Votes. † Votes. The curious reader will find a short historical notice of the Philadelphia theatre in Mr. Mease's Picture of Philadelphia.

The fruitful and enduring source of Indian complaint and hostility, the encroachments of the whites upon unpurchased Indian lands, threatened another war. Immediately after the late pacification, the governors of Pennsylvania and Virginia, by proclamations, forbade settlements upon such lands. But the difficulties, in some instances real, though often pretended, which the out settlers found in discovering the boundaries designated in Indian treaties, served to extenuate continued aggression. Settlements, however, were made on Indian lands at Redstone creek, and Cheat river, and upon lands ceded to the Indians in Pennsylvania, which were audaciously projected and pertinaciously pursued. To this, other causes of dissatisfaction were added. Several individuals of the Seneca tribe were murdered; and a party, whilst pursuing their way to war with the southern Indians, were attacked, without provocation, in Virginia, and many of them slain. The desire of vengeance for the horrible massacre at Lancaster was still unappeased, whilst new barbarities of the most atrocious kind were perpetrated by the whites. One Frederick Stump, a German resident in Penn township, Cumberland county, with the assistance of a serving-man, murdered at his own house, four male and two female Indians, who, on their journey, had sought his hospitality. He cast the bodies of his victims into Penn's creek, through a hole in the ice, and proceeded to a cabin about four miles from his house, where he found two Indian girls and one child, whom he also slew, and setting fire to the cabin, endeavoured to consume their remains. In defence of these horrible crimes, the monster alleged, that he apprehended injury from his visiters, who were intoxicated and disorderly, and that the tenants of the cabin might learn the tidings of their death and communicate them to their tribe. When this crime was known, the magistrate prepared to arrest the criminals; but their indignant neighbours seized and lodged them in prison at Carlisle, whence the sheriff, by a warrant from the chief justice, was directed to convey them to Philadelphia for examination. Their removal was delayed, by order of the magistrates, either from an apprehension that the government designed, under a late

law, to try them in the city, or that they would be rescued by the people, who regarded the act, directing the trial of offences against the Indians to be had out of the county in which they were committed, as tyrannical and oppressive, and pregnant with danger of unjust conviction; the inhabitants of Philadelphia being supposed to entertain strong prejudices against those of the frontier counties, on the subject of Indian relations. If fear of rescue of the prisoners on their way to Philadelphia were the true cause of the interference of the magistrates, due care should have been taken to keep them safely at Carlisle. But this was not done. The friends of Stump—for even he had friends—together with many others, who would have quietly seen him executed in the county of Cumberland, conspired to liberate him, and effected their design by forcing the prison, and intimidating the jailer.

These manifold and grievous injuries were deeply felt by the Indian tribes, who sought to avenge them by new combinations against the whites. Sir William Johnson, and his deputy-agent, George Croghan, having penetrated their designs, hastened to communicate them, through general Gage and the governor of Pennsylvania, to the assembly, and to urge the adoption of proper measures to prevent further intrusion on the unseated lands, and to appease the cries of vengeance arising for the unatoned murders. The house applied themselves earnestly to these objects. A law was enacted for removing trespassers, prohibiting their return under the penalty of death, and funds were liberally voted for carrying it into execution; renewed efforts were made to discover the perpetrators of the massacres at Conestoga and Lancaster; and a petition to the crown was prepared, praying for the establishment of a general boundary line between the whites and Indians. The last measure had long been the subject of negotiation between sir William Johnson and the Six nations; and the procrastination had given rise to great doubts of the sincerity of the English. Upon the recommendation of Sir William, the assembly placed at his disposal the sum of three thousand pounds, to be expended in propitiation of the savages.

These well-timed measures soothed the minds of the Indians; and a treaty made at fort Stanwix, in 1769, with the Six nations, the Delawares, and Shawanese, at which a general boundary was fixed along the middle provinces, and a purchase made by the proprietaries of Pennsylvania, of a large tract of country within that boundary, removed the causes of Indian complaint, and gave grateful assurances to the people of continued peace. About the same time, the management of the Indian trade, which was taken from sir William Johnson, devolved upon the assemblies of the provinces concerned in that commerce. He was compelled to discharge the commissioners, interpreters, and smiths, at the several posts, and requested the assembly of Pennsylvania to appoint successors, for those stationed in their province. But the attention of the assembly was absorbed by subjects of deeper interest, or they deemed it not unwise to suffer the Indian trade to remain without regulation.

## CHAPTER XIX.

Disposition of the English nation towards America····Revenue act proposed and carried by Charles Townsend····Reasons for this measure·····Proceedings of the assembly of Pennsylvania in relation to revenue act····Farmer's letters by Mr. Dickenson, effect of····Non-importation agreement resorted to····Repeal of part of the duties····Tax on tea retained····Modification of the non-importation law····Quiescent state of the public mind·····Protest of Pennsylvania against the modified duty·····WYOMING CONTROVERSY····· Want of precision in the early charters····Extent of territory granted····Pretensions of the Connecticut colony to lands in Pennsylvania considered····Purchase by Connecticut adventurers of the Indians at Albany·····Character of that purchase·····Susquehannah company of Connecticut formed····Attempt to obtain the sanction of the crown for their proceedings····Connecticut settlers on the Susquehannah····Their violent expulsion of settlers under Pennsylvania title····Outrages committed by Stewart and Butler···· Arrest and escape of Stewart····Renewed intrusion of Stewart and Butler····Their devastations····Inhabitants, under colonel Clayton, retire to a fort····Siege and surrender of the fort····Proceedings of the government of Pennsylvania ····Connecticut resolves to sustain the intrusion of their citizens·····Remonstrance of the inhabitants·····Incorporates a township in Pennsylvania····Overtures to governor Penn rejected·····Connecticut claimants endeavour to extend their possessions····Interference of congress invoked by Pennsylvania·····Recommendation of congress·····Proceedings of Pennsylvania····Attempt by the executive to repel the intruders from Wyoming····Unsuccessful····Conclusion of the controversy·····New alarms of Indian hos-

tility····Atrocious plan charged on lord Dunmore····Improbable and unsupported···Attack on the Indians by Cresap and others····Logan····Proceeding of the governor of Pennsylvania on the rumour of Indian war····Fort at Pittsburg seized by Connolly at the command of lord Dunmore···· Dunmore claims jurisdiction of the country west of the Alleghany, comprised in the Pennsylvania charter····Seduces the settlers····His proclamation·····Conduct of governor Penn in relation to the Indians and Dunmore····Assembly of Pennsylvania employ rangers····Indian war in Virginia ····Battle of Kanhawa····Peace with Indians····Edward Biddle elected speaker of assembly····Judges appointed.

The repeal of the stamp act, however grateful to the friends of liberty, to the colonists, and to the English merchants trading with them, was not popular with the nation at large. The supremacy of the parliament was maintained by the mass of the people; the hope of revenue from America was too fascinating to be surrendered without further exertion; and the king beheld with high indignation the resistance to his authority, and the political principles, which his American subjects had displayed. Moved by these considerations, Mr. Charles Townsend invited the attention of parliament again to the subject of American taxation. He boasted, "that he knew how to draw a revenue from the colonies, without giving them offence;" and, animated by the challenge of Mr. Grenville to make his vaunting true, he proposed and carried almost unanimously, a bill imposing certain duties on tea, glass, paper, and painters' colours, imported into the colonies from Great Britain; the proceeds of which were appropriated to the support of government in America, so far as should be necessary, and the balance to be paid into the British treasury.

This measure was founded in the belief that the colonists objected rather to the mode than to the right of taxation. There had been some inaccuracies in expressing their views of the statutes regulating their trade. They had declared themselves satisfied with the exercise of parliamentary power on this subject; but their approbation extended only to such

regulations as tended to the modification of commerce for the general benefit of the empire. To every measure designed to tax them without their consent, they were irreconcilable. The bill of Mr. Townsend had the unequivocal character of a revenue law, and as such was avowedly enacted; nor were the colonists slow to mark their apprehension of its true character.

The assembly of Pennsylvania, on the twentieth of February, before the course of the other provinces was known, directed her agents in London "to co-operate with the agents of the other colonies in any decent and respectful application to parliament, in case such application should be made by them, for a repeal of the late acts imposing duties on the importation of paper, glass, &c. into the American provinces; which act, they said, was looked upon as highly injurious to the rights of the people, and their commercial interest." The legislature of Massachusetts addressed remonstrances to the king, to parliament, and to the ministers, and a letter to the several colonies. The latter contained an exposition of the subject of their remonstrances, a recapitulation of the arguments urged against the stamp act, and declared the taxes lately imposed to be inequitable, because exacting a duty upon the importation into America on British manufactures, in addition to that paid on exportation from England; and that the proposed disbursements of the revenue, in the payment of the salaries of the governors and judges appointed by the crown, had a tendency to subvert the principles of equity and to endanger the happiness and security of the subject.

At their May sessions, the assembly directed a copy of this circular to be entered on their minutes. In September following the governor laid before them a letter from the earl of Hillsborough, lately appointed to the new office of secretary for the colonies, denouncing the circular, as of the most dangerous and factious tendency, calculated to inflame the minds of the colonists, promote unwarrantable combinations, excite and encourage open opposition to, and denial of, the authority of parliament, and to subvert the true principles of the constitution. He was commanded "to use his utmost

influence to defeat this flagitious attempt to disturb the public peace, by prevailing upon the assembly of his province to take no notice of it, thereby treating it with the contempt it deserved. The repeated proofs," continued the secretary, "which the assembly of Pennsylvania had given of their reverence and respect for the constitution, left no doubt of their showing a proper resentment of this unjustifiable attempt to revive those distractions which have operated so fatally to the prejudice of the kingdom and colonies." But, should it be otherwise, and a disposition appear in the assembly to countenance this seditious paper, the governor was further commanded to prorogue or dissolve them. A command which could be executed by the abrogation of their charter only. Immediately after the letter had been read, Mr. Galloway, the speaker, laid before the house a circular, from the assembly of Virginia, recapitulating the grievances and arguments of Massachusetts, and recommending a union of the colonies, in opposition to measures having an immediate tendency to enslave them, by which means they anticipated the re-establishment of the constitution upon its genuine principles.

This recommendation was adopted by the assembly; and a committee appointed to prepare petitions to the king, and upper and lower houses of parliament. And that no mistake might exist in regard to their sentiments on the letter of the earl of Hillsborough, they resolved, "that by their charter and laws, they had a right to sit on their own adjournments, and that the governor had no constitutional authority to prorogue or dissolve them; and that it was their undoubted right to correspond with the representatives of the freemen of any of his majesty's colonies in America, relative to grievances which might affect the general welfare of the colonies, in order to obtain, by decent petitions to his majesty and his parliament, redress of such grievances."

The petitions to the king and parliament, written probably by Mr. Allen, contain a clear and manly exposition of the unconstitutionality of the late revenue laws, and the probable consequence of their enforcement. "Our ancestors," say the petitioners in their address to the king, "near a century past,

with a view of enjoying that liberty, both civil and religious, of which they were in a great measure deprived in their native land, to extend the empire of the British dominions, to increase its commerce, and promote its wealth and power, before the accession of your majesty's illustrious house to the British throne, removed from the mother country to the province of Pennsylvania, then a wilderness. The disadvantages, dangers, and distress necessarily attendant upon this separation from their friends, relatives, and the land of their nativity, we trust, must appear to your majesty's wisdom too evident to need a repetition; and, yet, with inexpressible labour, toil, and expense, and without the least assistance from the parent state, they, and their descendants, by their prudence and strict economy, have peopled, planted, and improved that wilderness into an extensive, and heretofore flourishing, colony; and thereby greatly added to the commerce and wealth of the nation, and to the power and dignity of your majesty's empire."

"While thus contributing to the welfare of the mother state, and struggling with innumerable difficulties to enlarge its dominions, we most humbly conceive, that your majesty's faithful subjects of this province, have, by no act whatever, surrendered up or forfeited those constitutional rights and liberties, which were inseparably annexed to their persons as natural born subjects of the British government; but, on the contrary, that those rights brought over by our ancestors to this distant land, are now vested in their descendants as an inheritance the most important and valuable, on the enjoyment whereof their future safety and happiness depend."

"Thus possessed of the rights of Englishmen, derived to them from the most excellent constitution, and under a firm persuasion that the enjoyment and full exercise thereof, would be continued down to your people of this colony, and their latest posterity, it is with inexpressible concern and anxiety that we find ourselves under the necessity of representing to your majesty, that certain duties and taxes for the sole purpose of raising a revenue have been imposed by parliament on your majesty's American subjects, although they have no

representative or voice in that most respectable and august body. That, this taxation we most humbly apprehend, is destructive of those rights and that freedom, which they are by birth entitled to, as men and Englishmen, who cannot be legally taxed, either by the principles of equity or the constitution, but by themselves or legal representatives; and that, should this law remain unrepealed, and the commons of Great Britain exercise in future the power of granting the property of your majesty's American subjects without their consent, and without having any constitutional opportunity of being informed of their true circumstances and ability to bear such taxation, which their situation and distance from the mother country render impracticable, your faithful people of these colonies will possess nothing which they can call their own. All security of property will be lost."

"This right in the people of this province of being exempted from any taxations, save those imposed by their own representatives, has been recognised by long established usage and custom, ever since the settlement thereof, without one precedent to the contrary, until the passing of the late stamp act. Whenever your majesty, or your royal predecessors, have had occasion for aids to defend and secure the American colonies, requisitions have been constantly made of the assemblies of this province, who, ever with the utmost cheerfulness and loyalty, have granted them; and often so liberally, as to exceed the abilities and circumstances of the people, yet labouring under a heavy load of debt from that cause. The granting aids to the crown being the means of recommending themselves to your majesty's care and favour, it will be with the utmost distress that your faithful subjects of this colony shall see the commons of Great Britain, without their consent, disposing of their property, and thereby depriving them of a right which, in value and importance, they esteem above all others."

After professing their attachment to his majesty's person, and their readiness to demonstrate their duty to his government, they proceed, "But, most gracious sovereign, should the commons of Great Britain persist in depriving us of this

most invaluable privilege, it will be with the deepest affliction that the people of these colonies must perceive so unfortunate a distinction established between your majesty's loyal British and American subjects; leaving the one in the full possession and exercise of all those rights which are necessary to the most perfect political liberty, and the other bereaved of that which alone constitutes the great security and foundation of all their other privileges; a distinction which, we fear, cannot fail of creating a disunion in sentiments and affections, jealousies and discords between them, to the great injury of the trade and commerce of the nation, and the prejudice of both countries."

The petitions were sent to the provincial agents to be presented. In them the assembly refrained from remarking upon the inexpediency of the revenue act, lest they should seem, for a moment, to admit its constitutionality. But, in their letter to their agents, they endeavoured to demonstrate, that the enforcement of the law would drive the colonies to manufacture the articles on which the duties were laid; or, that, as the duties were payable in coin, which could not be procured, importation of such articles would be impossible. They also condemned the use designed to be made of the revenue in the support of the executive and judicial officers; as making such officers independent of the people, where paid by the crown, or imposing on the provinces whose officers should not be so paid, the burden of contributing to the support of other colonies.

The promptitude and unanimity of the assembly of Pennsylvania, and the union of the colonies generally, on this occasion, has been, with great justice, ascribed to the judicious and eloquent essays of Mr. John Dickenson, published as "Letters from a farmer in Pennsylvania to the inhabitants of the British colonies." These papers, in which the rights of the colonists were ably maintained, were republished in every colony; and the people of Boston, in town meeting, voted a letter of thanks to their "patriotic, enlightened, and noble-spirited author."

In the controversy upon the stamp act, the most effectual weapon of the colonists was found in their non-importation agreements. Recourse was now had to them to enforce the repeal of the revenue act; and, notwithstanding both houses of parliament had concurred, by a joint address, in approval of the ministerial measures, and had besought the king to constitute a special commission within the realm of Great Britain, for the trial of treasons and misprisons of treason, alleged to have been committed in Massachusetts, the mass of English trading population, feeling severely the consequences of those agreements, strongly urged the abrogation of the new duties. The ministry, affected by the commercial distress, were desirous to give relief, but they were resolute to maintain the parliamentary right to tax the colonies.

With criminal weakness, they adopted a middle course, remarkable for the ignorance it displays of the state of the public mind, and the nature of the public character, in America. The earnest remonstrances, and prompt and energetic resistance of the colonists, had failed to convince them, that the assertion of the right, and not the amount of duty levied, was the true source of complaint. The ministers persisted in believing that a reduction of the tax would restore tranquillity. Under this delusion, assurances were given, in 1769, that five-sixths of the taxes imposed in 1767 should be repealed; and in 1770 the whole were abolished, save three pence a pound on tea.

Adhering strictly to their principles, the colonists modified their non-importation agreements to operate on tea alone. This they were better enabled to do, as that article could be obtained from continental Europe, by smuggling, in sufficient quantity, and at a less price than it could be regularly imported from Great Britain. The anticipation of revenue from continuing the act of parliament was, therefore, vain, and its preservation on the statute-book served but to keep the jealousies and fears of the provinces in constant activity, and to familiarize the minds of the people to means of opposing a power which, like the sword of Damocles, threatened momentary destruction. In some of the colonies, the

non-importation agreements were partially violated; but in the greater part they were sacredly observed. In Pennsylvania the duty was paid on a single chest of tea only. By the revenue act, in its modified form, the rights so dearly prized by the colonists were exposed to violation, but it depended on themselves to preserve them uninjured, since, whilst no dutiable tea was purchased, no duty was paid; and whilst this commodity was otherwise cheaply procured, the people suffered no privation. Hence a state of political quiet ensued the repealing act of 1770. The ministry seemed disposed to avoid further aggression, and the Americans, generally, ceased to remonstrate and complain, though they did not cease to watch with lynx-eyed vigilance every movement of the British government, nor to discuss in public and private the relations between the colonies and parent state.

The assembly of Pennsylvania renewed their protest against the revenue act, after its modification, as a precedent for future oppression; and they instructed their agent, Dr. Franklin, to oppose whatever might affect the liberties of America, or the rights of the province; and, more especially, any plan which might be proposed for an American representation in parliament.*

The attention of Pennsylvania was now turned from grievances, common to her and the other colonies, to the consideration of injuries exclusively affecting herself. The first grants of lands in America, by the kings of Great Britain, were made with a lavishness which can exist only where acquisitions are without cost, and their value unknown; and with a want of precision in boundary, which could result only from entire ignorance of the country. The charters of the great northern and southern Virginia companies, and of the colonies of the Massachusetts bay and Connecticut, were of this liberal and uncertain character. The charter of the Plymouth company covered the expanse from the fortieth to the forty-sixth degree of northern latitude, extending from the Atlantic to the Pacific ocean. That of

* Votes.

Connecticut, derived from the Plymouth company, and confirmed by the crown in 1662, also covered the country from sea to sea. The maintainance of this extravagant extent of soil does not appear to have been contemplated by the early settlers of that colony; but, from the records of the New England provinces, there was evidently a disposition to preserve a right to a western boundary much more remote than now limits those states. But this disposition was unsettled and varying. In July, 1649, as we have seen, the commissioners of the united colonies of New England refused to sanction an application of the New Haven colony to make a settlement on the Delaware.* But in 1651, on the petition of certain persons, who alleged that they had purchased lands on the Delaware from the Indians, and had been prevented from settling thereon by the Dutch, the commissioners asserted the right to the Delaware lands, under the Connecticut patent, and purchases made by individuals. They protested against the conduct of the Dutch, and assured the petitioners, that, though the season was not meet for hostilities, yet if within twelve months, at their own charge, they should transport to the Delaware one hundred armed men, with vessels and ammunition approved by the magistrates of New Haven, and should be opposed by the Dutch, that they should be assisted by as many soldiers as the commissioners should judge meet; the lands and trade of the settlement being charged with the expense, and continuing under the government of New Haven.†

Opposed to these vague assertions of right, are the establishment of the western boundaries of Connecticut by treaty with the Dutch, and the final settlement of boundaries between New England and New York, by commissioners under the crown, in 1664; and the charters of New York, New Jersey, and Pennsylvania, under which those colonies were severally peopled, without objection or complaint from any one of the New England governments.

* Records of United Colonies. Trumbull. Haz. Col.

† 1 Col. N. Y. Hist. Soc.

For these reasons, the claims of Connecticut to the country west of the Delaware were unnoticed for more than a century. But they were now seriously agitated under the following circumstances. There was much vacant land on the Delaware and Susquehannah rivers of the first quality, which attracted occupants from various parts. Amongst others, the people of New England, who were becoming straitened for room at home, and began to display those migratory qualities for which they are now distinguished, grew covetous of a country flowing with milk and honey. Some of them who had set their faces westward in search of fortune, disregarding the charter to Penn, alighted on these lands, and for a season remained undistinguished among other squatters. But they were soon possessed with the notion, that, under the cover of the Connecticut charter, they might claim these acquisitions, and avoid the payment of purchase-money and the burden of quit-rents. The Connecticut title was immediately asserted, and threats made to their neighbours, that a competent force should be sent from Connecticut to seize and settle the lands at Wyoming on the Susquehannah, and at Cushetunk on the Delaware, choice and valuable spots in this virgin country.*

The governor of Pennsylvania, apprized of these intentions, immediately addressed himself to governor Wolcott and lieutenant-governor Fitch of Connecticut, asserting the exclusive title of the proprietaries to all lands within the bounds of their charter, protesting against the intrusions already made, and proposing that such portion of the Connecticut people as was disposed to settle in the west, should locate themselves on the western border of the province, under Pennsylvania rights, or should seek a home in the western parts of Virginia. But these were savage and almost unexplored wilds, and a plan for wresting from Pennsylvania a large portion of her richest soil had been deeply laid and widely extended. Governor Wolcott and several members of the general court were parties to this design. But to

* 1753.

render it effective, it was necessary that the government of Pennsylvania should be deceived. Governor Wolcott, therefore, hypocritically replied, that the lands of Connecticut being taken up, the inhabitants had turned to those at Wyoming, supposing them to lie north of the Pennsylvania line, and designed to purchase them from the Indians; but that, being now assured of their error, he would endeavour to turn their attention to the country mentioned by governor Hamilton. And the lieutenant-governor, the better to sustain this deception, gave assurances that "the project of settlement on the Susquehannah was a wild scheme, and would come to nothing."

But Mr. Hamilton was well-instructed, that the contrivers of the plot had resolved to attempt to purchase from the Six nation Indians their right to the coveted lands, through colonel Johnson, and one Lydias of Albany; that a purse of one thousand dollars had been subscribed for this purpose, and that agents were about to depart to effect it.

In July, 1754, the Six nations were convened at Albany, with the view of enlisting them, on the part of the English, against the French. Pennsylvania, and most of the other colonies, were represented at the congress then held. After the general business had been disposed of, the deputies of Pennsylvania entered into an open treaty with the Indians for a large portion of the soil yet unsold in that province, including the lands on which the Connecticut speculators had set their eyes, but who made no pretensions thereto before the Indian council, although Mr. Roger Wolcott and others, connected with them, were deputies from Connecticut to the congress. But after the adjournment of the Indian council, it is said, that the signature of some chiefs, during a fit of intoxication, were obtained to a deed purporting to convey to certain trustees a tract of land, "lying on the waters of the Susquehannah, about seventy miles north and south, and from about ten miles east of that river, and extending westward two degrees."

Such a purchase could give no title. It was void by the laws of Connecticut, forbidding individuals to purchase from

the Indians; by the resolutions of the congress then convened at Albany, and by those of the Indians, adopted in their general council. The lands had already been sold by the Indians in 1736, and that sale enlarged and confirmed by a public deed whose seals were scarce dry. The Indian councils at all times afterwards denied the sale. They disclaimed it in January, 1755, and in November, 1758, at Philadelphia; and, in 1763, they sent a deputation to Connecticut, on learning that three hundred families proposed to settle these lands, to remonstrate against their intrusion, and to deny the alleged sale; and, in 1771, the Delawares and their derivative tribes also assured the proprietaries of Pennsylvania that they had never sold any right to the Connecticut claimants.*

The purchase at Albany, whether real or pretended, excited great interest among the speculative and adventurous population of Connecticut. An association was formed under the name of the "Susquehannah Company," consisting of several hundred share-holders, including Roger Wolcott, the late governor, and several members of the general court, and many distinguished inhabitants. A tract of near ten thousand square miles was to be divided in proportion to the shares holden, giving several square miles to each share; and many shares were subdivided; and as the cost of the shares did not exceed nine dollars each, it was in the power of any individual to obtain a right under the company for a valuable farm. Thus a large proportion of the population became interested, directly or indirectly, in the success of the company. The plan was founded in resolute fraud, and prosecuted by all means which might sustain it. By the articles of association each share-holder was bound by himself or substitute to make a settlement, build a house, and clear a certain quantity of land within a given time.†

Soon after the purchase many settlers went on the lands, and many already there were seduced to buy, at a low rate, Connecticut titles. Governor Morris remonstrated with governor Fitch on the proceedigns of the company. The

* Votes. Records. Penn. Gazette, 1763. † Penn. Rec.

latter replied, (twenty-ninth November, 1754,) pretending great ignorance of the matter, and supposing that some of the subscribers might reside in his government, proposed to discourage them by publishing governor Morris's representations. This answer was given whilst the company were openly and successfully labouring to obtain the aid of their government. In May following, the company, recommended by the assembly, applied to the king for a charter, forming them into a distinct commonwealth, confirming the purchase they had already made, and authorizing them to obtain new grants from the Indians. The efforts of Pennsylvania, and the justice of the crown, defeating this project, the company sent out an agent (in 1762) to solicit an act of incorporation, but without success. Foiled in these attempts, they resolved to rely upon the letter of the Connecticut charter for protection, and to strengthen themselves by sending out, from time to time, a number of pioneers, who should locate themselves in the neighbourhood of the Susquehannah, and be ready to avail themselves of such favourable circumstances as might happen. But, as Pennsylvania had not extinguished the Indian title over the best lands claimed by their company, and as the rottenness of the deed obtained in Albany in 1754 was well known to the grantees, few settlements were made on such lands, avowedly under a Connecticut title. As this bold undertaking seemed to promise eventual success, it stimulated a cupidity that rarely required extraordinary excitement. Companies were formed in Connecticut, one for settling lands in Pennsylvania, on the Delaware, and others for obtaining and settling lands in the provinces of New York and New Jersey, under sanction of that magical charter which stretched over any country deemed desirable by its fortunate holders. In the latter province their machinations produced a short-lived insurrection.

In 1761 some Connecticut families seated themselves on the river Delaware, near Cushetunk, in Northampton county, and in August, 1762, others seated themselves on the Susquehannah, about one mile above the town of Wyoming, in despite of the remonstrances of the sheriff and magistrates,

and of the Indian chief Teedyuscung. The government of Pennsylvania renewed its remonstrances; but a permanent footing was now thought to be obtained in that province, and governor Fitch replied that the assembly of Connecticut had acquiesced in the desire of the Susquehannah company to settle a colony on lands in Pennsylvania. Governor Hamilton issued proclamations against the intruders, but did not resort to more forcible measures. The policy of Pennsylvania was pacific, as the intruders well knew; and she relied on the justice of the king, who was now possessed of her grievances. Nor was this reliance vain. In October, 1763, his majesty directed that the contending colonies should each appoint a commissioner to proceed to the debatable lands, and proclaim his commands, that the intruders should depart, and abandon their enterprise. Colonel James Burd was appointed commissioner on behalf of Pennsylvania, and this proclamation, together with incursions of the western Indians, who at this time laid waste the settlements at Wyoming, and killed about twenty of the whites, and many of the resident Indians, among whom was the chief Teedyuscung, who was burned in his cabin, caused a temporary suspension of the company's operations.

In 1768 the proprietaries of Pennsylvania extinguished, by purchase, the Indian title to the lands (inter alia) claimed by the Susquehannah company. Two proprietary manors were laid out at Wyoming, and forty or fifty families obtained leave from the governor to settle upon it. A lease for seven years was given of these manors to three of the principal settlers, viz. Charles Stewart, Amos Ogden, and John Jennings. And at the opening of the land office in April, 1769, several hundred applications were entered for lands, and many families prepared to settle in that vicinity. Relieved from the dangers of an Indian contest, and finding the most valuable lands on the Susquehannah about to be occupied, the Connecticut company convened the stockholders in January, 1769, and resolved, that notwithstanding the proclamation of the king, they would proceed to settle the lands on the Susquehannah; that forty persons should immediately proceed to take

possession, and that two hundred more should follow in May; that five townships, of five miles square, should be laid out; three on the east, two on the west side of the river, which should be given to these pioneers, in addition to their common shares, on condition that they took and held possession of them for five years, and should hold them under the company only.

Encouraged by these resolutions, several hundred men proceeded to the Susquehannah before the month of June, where they were joined by more than a hundred others, who had collected in Lancaster county. The settlers, under Pennsylvania titles, erected a block-house for their protection. The intruders immediately built a fort on each side of the block-house, and cut off its communication with the country. Jennings, who was sheriff of Northampton county, proposed a conference, and having received three of the Connecticut leaders into the block-house, arrested them, and conducted them to Easton, where they were imprisoned until sufficient bail for their appearance for trial was given. The civil power proved sufficient to reduce the intruders to temporary submission. But, in the succeeding month of February, a certain Lazarus Stewart, and Zebulon Butler, with many associates, re-entered these settlements, burning the houses, and destroying or carrying away the goods and cattle of the peaceable inhabitants. Governor Penn solicited general Gage for military aid to enforce the law, but the general, who did not think that the occasion justified this course, although at the solicitation of Thomas Penn, instructions had been sent him to that effect by the king,* refused. Again the sheriff dispossessed the invaders, and Stewart was arrested on a charge of arson; but was released by his followers. A reward of fifty pounds being offered for his recaption, he was taken, and delivered to the sheriff of York county; from whose custody he escaped whilst on his way to Philadelphia for trial, not without suspicion of connivance by the sheriff's officers.

But this bold insurgent, unawed by the terrors of the law,

* T. Penn's letter to Gov. Hamilton.

re-assembled his associates, and once more wasted the devoted country. Upon the approach of the sheriff of Northampton, he retired to a fort, from whence he killed one Ogden, and wounded several others, during a parley held by his own invitation, and making his escape by night, he fled the province. The governor, at the instance of the assembly, now proclaimed a reward of three hundred pounds for his apprehension; and the harassed settlers, in full confidence that their chief persecutor would not dare to return, resumed their farms and their labours. Their prospect of peace was illusory. In July, Stewart and Butler, at the head of a hundred armed men, embodied, as they alleged, under the authority of Connecticut, renewed those scenes of violence which had before dispersed the inhabitants. A party of the latter, to the number of eighty-two, men, women, and children, collected together, under the direction of colonel Asher Clayton, cast themselves, with their effects, into a block-house, where they were besieged by the invaders. Captain Amos Ogden was sent to Philadelphia for assistance; new orders were despatched to the sheriff to raise men, and Edward Shippen was sent from the city to his aid. But not more than forty men could be mustered; those of the inhabitants not in the Connecticut interest being fearful of the vengeance of the intruders.

Butler now declared his intention to keep possession of the country at every hazard for the colony of Connecticut; but proposed to determine the right of the two provinces by combat, between thirty of his band, and a like number of Pennsylvanians. Clayton urged in vain that the right could not be thus decided, and proposed an armistice until he could obtain instructions from his government, asserting the determination of himself and his people to maintain their possessions until directed by the constituted authority to abandon them. The besiegers commenced a regular and steady fire of musketry upon the fort, which they continued for seventeen days, with little effect, one man only being killed, and several wounded; but the assailants suffered more severely. No impression having been made by the musketry, they attempted to batter down the block-house with a wooden cannon,

but this new species of artillery burst at the second discharge. In the mean time, thirty-two men, with provisions and ammunition, sent by the governor of Pennsylvania for the relief of the garrison, attempted to enter it, which they effected, with the loss of three men wounded, and the greater portion of the convoy. Clayton, however, in hopes that further efforts would be made to sustain him, held out, until compelled by famine to capitulate.

On the fifteenth of August, articles of capitulation were signed between colonel Asher Clayton, Joseph Morris, and John Dick, commandants of the block-house, in behalf of the honourable, the proprietaries of Pennsylvania, and Zebulon Butler, Lazarus Stewart, and John Smith, in behalf of the colony of Connecticut, on the surrender of the fort to the latter; stipulating that twenty-three men might leave the fort armed, and with the remainder, unarmed, might proceed unmolested to their respective habitations; that the men having families might abide on the debatable land for two weeks, and might remove their effects without interruption; and that the sick and wounded might retain their nurses, and have liberty to send for a physician. Having thus possessed themselves of Wyoming, the Connecticut intruders strengthened themselves, by collecting under their banner the dissolute and outlawed, and fugitives from service, from every colony.*

Governor John Penn having left the province for England, the executive duties of the government devolved on the council, of which Mr. James Hamilton was president. He laid before the assembly, at their September sessions, a statement of the proceedings at Wyoming; but, as no legislative act could be passed in the absence of the governor, they postponed the consideration of the subject. But on the arrival of Mr. Richard Penn,† bearing the commission of lieutenant-governor, they appropriated money for the relief of the settlers who were expelled from their homes; and, the better to protect the remaining inhabitants on the Susquehannah, who were threatened by the intruders with violent ejection from their

* Votes. † October 17.

farms, they organized a new county, called Northumberland, from parts of the counties of Lancaster, Cumberland, Berks, Northampton, and Bedford, and enacted severe penalties against rioters, and persons engaged in tumultuous assemblies.*

Governor Penn transmitted to governor John Trumbull of Connecticut, an account of the proceedings at Wyoming. The latter, for himself and the general court, disavowed them, but asserted that the contested lands were within the chartered limits of the Connecticut colony. "The violence complained of," he said, "was no doubt committed by the claimants under the Susquehannah company, who alleged, that they were first attacked and ill-treated by the people of Pennsylvania, whilst they sought peaceable possession of their lands, by a title they were desirous to vindicate by due course of law." It was obvious, from this reply, that Connecticut had resolved to support the pretensions of the Susquehannah company. She was encouraged in this design by the opinion of legal counsellors† in London, procured upon a very partial state of the case. The general court resolved,‡ "That this assembly, at this time, will assert their claim, and in some proper way support such claim, to those lands contained within the limits and boundaries of the charter of this colony, which are westward of the province of New York." At the same time, they appointed commissioners to treat with the proprietaries of Pennsylvania, with respect to their mutual boundaries, or to make a joint application to the crown for the appointment of commissioners for that purpose, and to adopt measures to preserve peace and good order among the inhabitants of the contested lands, until the boundaries of the two colonies should be settled.§

Governor Penn promptly and wisely rejected these overtures. The title of the proprietaries could gain nothing by their admission that it was doubtful. The grant from the crown to William Penn was clear and precise in its limits,

* Votes.

† Messrs. Thurlow, Wedderburn, Jackson, and Dunning.

‡ October, 1773. § Trumbull's Hist. of Conn.

and whether it had been lawfully made, could be determined only by the king in council. Such determination was an indispensable pre-requisite to any negotiation between the colonies.

Upon the report of the Connecticut commissioners to their assembly, that body resolved to extend their jurisdiction to the settlers on the contested lands; and incorporated them as the town of Westmoreland of the county of Litchfield, with like privileges as other towns of their colony. This town, or township, was of a size which would now be deemed inconvenient, though not divided from the county to which it was appurtenant, by the colonies of New York and New Jersey. It is described as "beginning on the west side of Delaware river, at the banks of said river, extending westwardly fifteen miles from Wyoming, north and south, as the grant of the Connecticut colony extends." Zebulon Butler, who was appointed a justice of the peace of this township, summoned the inhabitants by proclamation to Wyoming, to choose town officers, according to the laws of Connecticut. A counter-proclamation was published by governor Penn in February, 1774, forbidding the inhabitants to obey the commands of Butler, or any other person claiming under the colony of Connecticut.

But even in Connecticut these presumptuous and iniquitous proceedings were severely reprehended. Committees from twenty-three towns convened at Middletown, condemned them as founded in injustice, and pregnant with mischief, and as having been obtained by the votes and influence of the proprietors in the Susquehannah company, who had procured seats in the assembly that they might promote their separate interests. The convention drew up a spirited remonstrance to the assembly, and directed it to be circulated through the country for signatures. But the justice of the case they advocated, was feeble before the deep rooted and widely ramified influence of the Susquehannah company.

Thus encouraged, the claimants under that company prepared to extend their possessions in their township of Westmoreland. In June, 1773, they attempted forcibly to expel

the settlers under Pennsylvania grants from the west branch of the Susquehannah; but their purpose was defeated by the spirited opposition of these inhabitants. The attempt was renewed in May and September, 1775, with like effect, when the intruders supposed their antagonists to have been weakened by draughts for the continental forces. On the last occasion, Butler had under his orders three hundred men.*

The contending colonies referred their claims to the king in council. But the eager disputes between Great Britain and the provinces, prevented their consideration. This feud threatened greatly to injure the union which was indispensable to the success of the latter. The assembly of Pennsylvania, therefore, having learned the attempt made in September by the intruders, directed their delegates in congress to represent the mischievous effects of these trespasses, and to solicit the influence of that body to preserve peace until the determination of the king should be known. Congress appointed a committee, before whom the contending parties appeared; the settlers under the Pennsylvania title by a committee selected by themselves, and the Connecticut claimants by the delegates in Congress from that colony. The latter proposed to establish a temporary line, prescribing the jurisdiction of the parties within the limits of Pennsylvania, by which Connecticut would obtain quiet possession of an extent of territory almost as large as Connecticut proper. The Pennsylvania settlers instantly rejected the proposition, and, despairing of justice from men who would venture to make it, they refused further negotiation until they should receive instructions from their provincial assembly. Upon the recommendation of their committee, congress adopted a resolution, requesting the assemblies of the two colonies to take speedy and effectual means to prevent hostilities between the rival claimants.†

The assembly of Pennsylvania resorted to such measures as were due to their own dignity and the request of congress.

* Votes. † Min. of Cong. 4th Nov. 1775. Votes of Penn.

They resolved to strengthen the hands of the executive power, approved the resistance of their settlers against the several attempts of the intruders to dispossess them, and declared, that though such intruders having forcibly and violently obtained the lands they held, ought to surrender them, and wait for a proper and legal decision of their claims, yet the house would acquiesce in any plan recommended by congress, by which they might enjoy their present settlements until the controversy should be determined by the king, provided Connecticut would give assurances to abide by such determination, and in the mean time to introduce no more settlers, nor resist the laws of Pennsylvania. If such assurances could not be obtained, the house expressed their determination to concur with the governor in any measures to support the property and just rights of the Pennsylvania claimants.

As there was no disposition on the part of Connecticut to give the assurances required by Pennsylvania, governor Penn issued orders to the magistrates of Northumberland county, to enforce the laws against the intruders at Wyoming. Process was issued, and the sheriff proceeded towards that settlement with a body of near five hundred men.* On approaching it, he communicated to some of the settlers, who, under one of their leaders, met him in an amicable manner, his intention to arrest those designated in his warrants, and to refrain from offering violence to any one submitting to the laws. On attempting, however, to proceed further, he discovered that a pass before him was strongly fortified, and manned with a force exceeding his own, and he received from the enemy a volley which killed one, and dangerously wounded three others of his party. Thus checked upon one side of the river, he resolved to attempt a passage by the other, and, for the greater secrecy, to cross in the night. But his design was penetrated, and its execution prevented. When he had nearly reached the opposite shore, and whilst entangled in a margin of ice, too thin to bear the weight of a

* December, 1775.

man, he was fired upon repeatedly from the bank, and compelled to retire, with one man mortally wounded.

With this unsuccessful effort terminated the endeavours of the executive of Pennsylvania to expel, by force, her troublesome inmates. They had become very numerous, and had extended themselves over a large tract of country, upon which they had planted and built with great success. Although their original possession was obtained by unjust and lawless violence, and was maintained under an impudent pretence of title, still that possession by the lapse of time was growing into right, to preserve which it was obvious, the possessors had resolved to devote their lives. Forcible ejection would therefore be followed with much bloodshed, and wide-extended misery, which would tend greatly to weaken the efforts of the two colonies in the common cause against Great Britain. Pennsylvania therefore wisely forebore to assert her indisputable rights, and submitted to await a favourable opportunity, when justice might be done to her by an impartial umpire. After the revolution (1802) this vexatious controversy, so far as related to jurisdiction, was determined by commissioners appointed by the congress of the United States in favour of Pennsylvania; and a composition was subsequently made under the laws of Pennsylvania between the Pennsylvania and Connecticut settlers, as to their territorial rights. But a detailed history of these events belongs to future pages of our work.

In consequence of the unfortunate dispute, the history of which we have just narrated, the christian Indians, under the care of the Moravian Indians, resolved to emigrate beyond the Ohio river. These people, who had been saved with great difficulty from the vengeance of the Paxton zealots, had seated themselves at Wyalusing, about six miles north of Wyoming. They built a considerable village, containing, beside many huts and cabins, more than thirty good log houses, with shingled roofs and glazed windows, a church and school house, not inferior to many erected by wealthy farmers; and they also cleared and enclosed large tracts of upland and meadow. They made this settlement with the

approbation of the proprietaries and the government in 1765; and when, in 1768, the Six nations sold to the former the country, including these improvements, the Moravian Indians obtained assurances from governor Penn, that neither their lands, nor any within five miles thereof, should be sold to others. Thus comfortably established and protected, as they supposed, from the intrusion of the whites, they anticipated a long season of repose and prosperity. But the tide of population flowed around them; the strife between the Connecticut and Pennsylvania claimants sounded in their ears, and they suffered perpetual anxiety from the visits of Indians of every tribe, on their journies to and from the northern nations. In the language of Brother Abo, of the Moravians, who represented their intentions to the assembly, "notwithstanding their sincere and unshaken attachment to the government of the province, as they were not expert at salving appearances, they could not but be afraid that their innocence and complexion would stand little chance against the suspicious insinuations and charges that are, or may be conceived, and laid against them, from the indifferent neighbourhood in which they lived. They thought it high time therefore that they should retire to some Indian country."

The administration of Richard Penn, which commenced, as we have incidentally observed, in October, 1771, was terminated by the return of John Penn to the province and its government.* Great harmony prevailed between the former and the assembly. They differed in opinion on several occasions, but their consequent discussions were temperate and decorous. The chief subject of dispute was a proposition on the part of the assembly to issue bills of credit to the value of two hundred thousand pounds. The governor objected to the amount, and some details of the proposed law; and both parties adhering to their respective views, the issue was not made until the next assembly, reducing the sum to one hundred and fifty thousand dollars, and otherwise modifying their bill, it received his approbation. The attention of governor

* September, 1773.

Richard Penn to the commercial interests of the city obtained for him, in a special manner, the affection of its mercantile inhabitants. The revocation of his commission was unexpected to him and to them, and seems to have been much regretted by all, and by none more than himself. The merchants, after his removal from office, waited on him in a body, and presented him with an affectionate and respectful address. They also gave him a splendid public entertainment, at which governor John Penn, his council, the corporation of the city, the officers of the army and navy, and distinguished strangers, were guests.

The peace of the province was also, this year, disturbed by alarms of Indian hostility, and a vexatious contest with the governor of Virginia, in relation to her western boundary. Both of these grievances are said to have originated in the malicious and heartless policy of lord Dunmore, who, in order to distract the attention of the large and wealthy provinces of Pennsylvania and Virginia, and turn them from a close examination of the designs of the parent state, resolved to involve them in war with the savage, and sow doubts and disunion, which should disable the whites from resisting the inroads of their cruel enemy.*

This design has too much horror and depravity to be lightly credited. Nor have we seen any evidence to sustain it. There was sufficient cause for Indian hostility in the injuries the tribes received from the unquenchable animosity of the border English; and the want of temper, and defect of judgment, which distinguished the governor of Virginia, may, without seeking worse causes, be assigned as the sources of his untimely claims of jurisdiction over a large portion of Pennsylvania.

In the spring of this year, a robbery was committed on certain land adventurers on the river Ohio. The whites in that quarter undertook to punish this outrage in their usual summary way. Captain Michael Cresap, whose family was distinguished for their deeds and sufferings in Indian warfare, and a certain Daniel Greathouse, at the head of white parties,

* Burk's Hist. Vir.

surprised at different times travelling and hunting parties of the Indians, whom they murdered indiscriminately, sparing neither women nor children. Among these fell the family of Logan, a chief renowned in peace and in war, and distinguished as the friend of the whites. His vengeance was commensurate with his misfortunes, his talents, and his former love of the English, all of which he has portrayed in a speech, whose force, beauty, and eloquence, has elevated his race, and is not surpassed in any nation.*

As soon as these unfortunate events were known to the government of Pennsylvania, messengers were despatched to assure the Indians that they were unsanctioned by the public authorities of the provinces. This message averted their anger from the inhabitants of Pennsylvania; the Indians not only refrained from actual violence, but they escorted her traders to Pittsburg, at the risk of an attack from their young and heated warriors.

In the garrison at Pittsburg, Pennsylvania had had a bridle on the western Indians. But, in despite of the representations of the traders and inhabitants of Pittsburg, and the recommendations of the governor, the troops were withdrawn early in the last year, by order of general Gage, and the assembly refused to supply their place. After the late outrages, one Connolly, a man of some talent, but of lax morals, who had received much notice from lord Dunmore, and was clothed by him with considerable powers as a magistrate, and as a commissioner among the Indians, by the orders of his lordship, took possession of the fort, under pretence that it was within the Virginia boundary; whence he despatched a party to attack the very Indians who had restored the traders in safety to their friends. But the spirit of vengeance did not slumber; it solaced itself in the massacre of many Virginians on the west of the Monongahela river.

Lord Dunmore had previously visited the country west of the Allegheny, had invited and encouraged settlers to take

* Jefferson's Notes. Logan's speech. Burk.

warrants from him for lands within the Pennsylvania boundary, and had succeeded, by the agency of Connolly, in seducing several hundred of the inhabitants who were seated without any title, to disclaim the authority of that province, and to solicit to be admitted under his government. He subsequently published a proclamation, declaring that the country west of the Allegheny mountains had, from its rapid settlement, became important to his majesty's interest; that the province of Pennsylvania had unduly claimed a valuable and extensive quantity of his majesty's territory; that the executive authority of that province had abused the laudable adventurers in that part of his majesty's dominions, by many oppressive and illegal measures, in discharge of their imaginary authority; and that the ancient claim laid to that country by the colony of Virginia, founded in reason, on pre-occupancy, and the general acquiescence of all persons, together with the instructions he had lately received from his majesty to take that country under his administration, required him to command all his majesty's subjects west of the Laurel hill to pay due respect to his proclamation, strictly prohibiting the execution of any act of authority on behalf of Pennsylvania.*

Governor Penn, under these circumstances, acted with promptitude and prudence. Upon the news of the retaliatory measures of the Indians, the Pennsylvania outsettlers fled with their families to the interior; and the panic became so general, that a great part of the western frontier was deserted. It was stayed by the activity of the magistrates of the county of Westmoreland, who, with the concurrence of the governor, raised and armed a number of rangers, and placed them in proper places to protect the inhabitants in case of an attack. The governor solicited and obtained the happy influence of sir William Johnson with the Six nations, to assist in healing the breach with their western brethren: he remonstrated with lord Dunmore on the misconduct of Connolly, and caused that insidious agent to be arrested and imprisoned, and the

* Penn. Gaz.

settlers under the Virginia title to be punished as vagrants and outlaws: he replied to lord Dunmore's proclamation by a counter-proclamation,* requiring all persons west of the Laurel hill, deriving title to lands from the proprietaries of Pennsylvania, to maintain their settlements, and pay obedience to the laws of Pennsylvania, regardless of the Virginia proclamation:† and he invoked the assistance of his assembly. But he despatched Messrs. James Tilghman and Andrew Allen, members of council, to Williamsburg, to remonstrate with lord Dunmore, and to urge him to refer the subject for the king's decision. But this was refused, as beneath his lordship's dignity, and, as historians assert, inconsistent with his purpose.

If, by his measures, lord Dunmore proposed to involve Pennsylvania and Virginia in a civil war, he should have been assured of the support of his council. But that body, well instructed in the nature of the question relative to the boundaries of the two colonies, declined to give their assent for levying troops, for enforcing the asserted rights of Virginia, and moderately but firmly remonstrated with the governor of Pennsylvania, and demanded the release of their citizens, and the submission of their disputes to his majesty.‡

The assembly of Pennsylvania having convened,§ pursuant to the governor's call, resolved to take the Westmoreland rangers into pay until September, should it be necessary to retain them so long. One hundred of them were kept under arms until November, when they were disbanded—the fears of Indian inroads in Pennsylvania having subsided.

In Virginia, the Indian war was marked with its accustomed atrocity. But it was sustained and repelled by the whites with unwonted spirit. An army of three thousand men was raised with alacrity; and two divisions, the one commanded by the governor in person, the other by colonel Andrew Lewis, marched into the country of the enemy, with the design of administering a severe chastisement, in the destruction of his crops and villages. The smaller force, about

* 12th Oct. 1774. † Votes. Penn. Gaz. Burk. Penn. Rec.
‡ Burk. § July 18th.

fifteen hundred men, under colonel Lewis, encountered the enemy with the like number at the confluence of the Great Kanhaway river and the Ohio. The field was hotly contested during the whole day, but was finally abandoned by the Indians; and a few days after, colonel Lewis was stopped in the vengeful labour of destroying the Shawanese towns, by an express from the governor, informing him that peace had been granted to the enemy, on condition that their lands on the east side of the Ohio should be for ever ceded to the whites, that their prisoners should be restored, and that hostages should be given for the faithful performance of the treaty.*

At the first meeting of the assembly of Pennsylvania after the election of this year, Edward Biddle of Berks county was unanimously elected speaker. Mr. Galloway had filled this respectable station for many years, having succeeded Mr. Norris. Mr. Biddle had long represented Berks county, and enjoyed the confidence of the house in an eminent degree, being placed upon the most important committees, and taking an active part in all current business.

In April of this year, Benjamin Chew was commissioned chief justice, and John Lawrence, Thomas Willing, and John Morton, puisne judges of the supreme court.

* Burk.

## CHAPTER XX.

Political quiet of the colonies again broken····India company encouraged to make shipments of tea····Means adopted to excite opposition in the colonies····Resolutions of the assembly of Pennsylvania····Agents appointed for the sale of the tea compelled to resign····Proceedings in the colonies on the arrival of the tea ships····Committees of correspondence····Indignation of the king and ministry····Ministerial vengeance on Massachusetts····Boston port act····Subversion of the Massachusetts charter····Law for the trial of offences committed in the colonies····Canada act, its character and effect····Spirited conduct of the Bostonians····Sympathy of the colonies with Massachusetts····Prudent policy of Pennsylvania····Town meeting····Provincial convention in Pennsylvania····Resolutions thereof····Frames instructions for the assembly····Proceedings of the assembly····Delegates to congress····Their instructions····Meeting of congress at Philadelphia····Proceedings····Resolutions relative to non-intercourse·····Declaration of rights·····Addresses to the king, to the inhabitants of Great Britain, and continental America····Dissolution of congress····Assembly of Pennsylvania approves of the proceedings of congress····Appoints delegates to a new congress····Mr. Galloway declines the appointment of delegate····His opposition to the proceedings of congress····Governor Penn attempts to persuade the assembly to send a separate address to the king ····Reply of the assembly····Effect of the proceedings of congress in England····Ministry determine to enforce submission····Massachusetts declared in rebellion····Conciliatory proposition of lord North····Rejected in the colonies····Supported by governor Penn····Resolutions thereon of the assembly of Pennsylvania····Second convention at Philadelphia····Proceedings····Recommend the encouragement of

manufactures····Empower the committee of correspondence to re-assemble the convention····Committee of correspondence adopts measures of defence····Military association formed····Assembly provides a military on the recommendation of congress····Difficulties arising from the scruples of the Quakers in bearing arms····Their conduct, in relieving the sufferers in New England····Quakers claim exemption from bearing arms···Remonstrances against their claim ····Militia system adopted by the assembly.

We have already observed that a state of political quiet throughout the colonies had been induced by the prudence of the European and American parties: the one forbearing to ship, and the other to order tea, subjected to duty. This state, after near three years' continuance, was terminated by the most painful and irritating jealousies, awakened by the impolitic avarice of the British ministry.

The East India company, the boldest, most ambitious, and most successful of commercial associations, had become embarrassed by lavish expenditure on their territorial acquisitions, the peculation of their servants, and by the diminution of their trade, in consequence of the American quarrel. They applied to government for assistance, and proposed that the duty of three pence per pound, payable on teas imported into the colonies, should be abolished, and that six pence per pound should be retained on the exportation. This favourable and honourable mode of removing the causes of the dispute between Great Britain and the provinces, was rejected by the ministry, who proposed and carried a bill, authorizing the company to export their teas altogether free of duty. Lord North, says the English historian,* recommended this measure to parliament with a two-fold view; to relieve the India company, and to improve the revenue. The latter was to be accomplished by tempting the Americans to purchase tea in large quantities, by selling at a low price. But the company was reluctant to ship to the colonies upon its own account;

* Bisset, &c.

nor would they venture until assured that in no event they should suffer loss.

The export of tea to America under these circumstances was in itself sufficient to arouse opposition. Beside, the occasion was eagerly seized by those whose interest would be most promoted by popular resistance. Merchants in England, whose profits were endangered by this operation of the India company, cis-atlantic smugglers, whose trade was threatened with extinction, laboured with the patriot to convince the people of the immutable determination of the parent state to establish her claim to tax the colonies, and for that purpose to compel the sale of the tea in despite of the solemn resolutions, and often declared sense of the inhabitants. The cry of endangered liberty was again heard from New Hampshire to Georgia. Town meetings were held in the capitals of the different provinces, and combinations formed to obstruct the sale of the tea. The consignees of the company were generally compelled to relinquish their appointments, and substitutes could not be procured.

The conduct of the Pennsylvanians was prompt, bold; yet temperate. At a meeting of the inhabitants of Philadelphia, held on the eighteenth of October, 1773, it was resolved,

"That the disposal of their own property is the inherent right of freemen: that there can be no property in that which another can, of right, take from us without our consent: that the claim of parliament to tax America, is, in other words, a right to levy contributions on us at pleasure:

"That the duty imposed by parliament on tea, landed in America, is a tax on the Americans, or levying contributions on them without their consent:

"That the express purpose for which the tax is levied on the Americans, namely, for the support of government, administration of justice, and defence of his majesty's dominions in America, has a direct tendency to render assemblies useless, and to introduce arbitrary government and slavery:

"That a virtuous and steady opposition to this ministerial plan of governing America, is absolutely necessary to preserve even the shadow of liberty, and is a duty which every

freeman in America owes to his country, to himself, and to his posterity:

"That the resolution lately entered into by the East India company to send out their tea to America, subject to the payment of duties on its being landed here, is an open attempt to enforce this ministerial plan, and a violent attack on the liberties of America:

"That it is the duty of every American to oppose this attempt:

"That whoever shall directly, or indirectly, countenance this attempt, or in anywise aid or abet, in unloading, receiving, or vending the tea sent, or to be sent out, by the East India company, while it remains subject to the payment of a duty here, is an enemy to his country:

"That a committee be immediately chosen to wait on those gentlemen, who, it is reported, are appointed by the East India company, to receive and sell said tea, and request them, from a regard to their own characters, and the peace and good order of the city and province, immediately to resign their appointment."

The agents of the India company, then resident in the city, some of them cheerfully, others reluctantly, complied with the requests of the town meeting; and Mr. Gilbert Barclay, who arrived with the first tea ship, renounced his commission before a town meeting, to which he was brought for that purpose.

On the approach of the tea ships destined for Philadelphia, the pilots in the river Delaware were warned not to conduct them into harbour; and their captains, apprized of the foregoing resolutions, deeming it unsafe to land their cargoes, consented to return without making an entry at the custom house; the owners of goods, ordered from England, on board these vessels, cheerfully submitting to the inconvenience of having their merchandise returned to Great Britain. The captains of vessels addressed to New York wisely adopted the same resolution. The tea sent to Charleston was landed and stored, but not offered for sale; and having been placed in damp cellars, became rotten, and was entirely lost. The

ships designed for Boston entered that port, and the energy of governor Hutchinson prevented their return; but before the tea could be landed, a number of colonists, pursuant to a concerted plan, dressed as Indians, entered the vessels, and, without doing other damage, broke open three hundred and forty-two chests of tea, and emptied their contents into the water. Such was the union of sentiment among the people, and so systematic their opposition, that not a single chest of the cargoes sent out by the East India company was sold for its benefit.

This unanimity was effected by the instrumentality of committees of correspondence, appointed by the several provincial legislatures, whose special duty was to obtain the most early and authentic intelligence of such acts of parliament, and proceedings of the ministry, as might affect the colonies, and to maintain a correspondence with the sister provinces on these important subjects. The plan was originally proposed, and the first committee appointed by Virginia on the twelfth of March, 1773, but it was adopted by Massachusetts, Connecticut, and Rhode Island before September. In that month all these colonies communicated their proceedings to the legislature of Pennsylvania a few days before its dissolution by charter. The appointment of a committee of correspondence was therefore referred to the next assembly, by whom the duties of such a committee was imposed on the standing committee of correspondence of the house, consisting of Messrs. Samuel Miles, Thomas Mifflin, William Rodman, Isaac Pearson, and John Morton.*

The conduct of the colonists generally in relation to the tea ships, and especially the daring trespass at Boston, gave great umbrage to the king. In his message† to parliament he characterized the colonial proceedings as obstructing the commerce of Great Britain, and subversive of her constitution. High and general indignation was excited in that body. His majesty's measures were almost unanimously approved, and pledges were given to secure the due execution of the

* Votes. † 7th March, 1774.

laws, and the dependence of the colonies. To maintain this dependence, the whole nation seemed disposed to approve and support the severest measures of the ministry. All consideration for the just rights of the colonists was lost in the desire to punish their audacity; and, for the moment, the patriot forgot his principles, and the merchant his interest, whilst fired with indignation at the bold resistance to the will of the parent state.

Upon Massachusetts the vials of wrath were first poured out. Before the magnitude of her guilt the offences of other colonies became insignificant. By one act of parliament the port of Boston was closed, and the custom house and its dependencies transferred to the town of Salem, until compensation should be made to the East India company, and until the king in council should be satisfied of the restoration of peace and good order in the town of Boston: By another act of parliament the charter of Massachusetts was subverted; the nomination of counsellors, magistrates, and other officers being vested in the crown during the royal pleasure: By a third, persons indicted in that province for any capital offence, if an allegation were made on oath to the governor that such offence had been committed, in aid of the magistracy in the suppression of riots, and that a fair trial could not be had in the province, might be sent to any other colony, or to Great Britain, for trial. A bill was also passed for quartering soldiers upon the inhabitants. But these penal bills did not pass wholly unopposed in either house of parliament, and in the lords the minority entered their protest against each.

An act passed simultaneously with the foregoing, making more effectual provision for the government of the province of Quebec, excited as much indignation and more dread among the colonies, than the severe measures against Massachusetts. The latter might be palliated as the result of indignation, violent, but not causeless; while the former, vesting the legislative power in a council dependent on the crown, and subjecting the whole revenue to the king's disposal, bore strong indications of the resolution of the ministry to take from the colonies generally the right of self-government. Had sym-

pathy failed to unite the other provinces to the fate of Massachusetts, regard to their common safety, so openly threatened, would have rendered their union indissoluble. Both were intensely felt.

The inhabitants of Boston had foreseen the present crisis, and they met it with undaunted spirit. Information of the passage of the port act was received on the tenth of May, and on the thirteenth, the town resolved, "that, if the other colonies would unite with them to stop all importations from Great Britain and the West Indies until that act should be repealed, it would prove the salvation of North America and her liberties; but should they continue their exports and imports, there was reason to fear that fraud, power, and the most odious oppression would triumph over justice, right, social happiness, and freedom." A copy of this resolution was transmitted to the other colonies, the inhabitants of which, expressed deep sympathy in the sufferings of their brethren in Boston, endured in the common cause; and concurring in opinion with them on the propriety of convening a provincial congress, delegates for that purpose were generally chosen.

Throughout the continent, the first of June, the day on which the Boston port act was to take effect, on the resolution of the assembly of Virginia, was adopted as a day of fasting, humiliation, and prayer, to implore the divine interposition to avert the heavy calamity which threatened destruction to their civil rights, and the evils of civil war, and to give one heart and one mind to the people, firmly to oppose every invasion of their liberties.

In Philadelphia a meeting was held of the inhabitants of most religious denominations, who resolved unanimously, that it would be proper to express their sympathy for their brethren at Boston, by suspending all business on the first day of June. In the proceedings of this meeting, published in the newspapers, it was asserted that all the societies in the city were represented. But the Quakers did not participate in it; and to prevent the inference which might be drawn from such publication, the elders of the Friends' Society,

publicly declared, "that, though sympathizing with the distressed, and justly sensible of the value of their religious and civil rights, and that it was their duty to assert them in a christian spirit, yet no one was authorized to represent them at such meeting; and that, if any of their community had countenanced that measure, they had manifested great inattention to their religious principles and professions, and acted contrary to the rules of christian discipline, established for the preservation of order and good government among them.*†

The countenance and support of the great and populous colony of Pennsylvania was much desired by the Bostonians. Entire confidence might be placed in a part of the people, but there were many doubts and fears of the proprietaries, and their dependents, who might lose much, but could gain nothing by a change in the state, and of the Quakers, who shrunk from measures which might lead to hostilities between Great Britain and her colonies. The citizens of Boston therefore despatched with their public communication private letters to individuals of known patriotism and influence, urging the impossibility of their standing alone against ministerial vengeance, and the indispensable necessity of their being sustained by Pennsylvania.

The advocates of provincial rights in Philadelphia, sensible of the necessity of proceeding with prudence and caution, resolved at their first assemblage on nothing more than to call a general meeting of the inhabitants for the ensuing evening. At the second meeting, they contented themselves with taking the sense of the people on the propriety of sending an answer to the public letter from Boston.‡ The meeting was addressed by the Rev. Dr. William Smith, provost of the university, who strove to impress on the people the importance of the occasion on which they had met, and the necessity of prudence and deliberation. "Upon your deliberations of this

* Penn. Gazette.

† This declaration was signed by John Reynolds, James Pemberton, and Samuel Noble.

‡ 20th May.

day," added he, "depend matters of the highest consequence, not only to the happiness of this province, but of all British America. You, perhaps, are now to determine whether the breach with the country from which we are descended, shall be irreparably widened, or whether it may not yet be closed by constitutional means, and that harmony yet restored, from which, in our better days, Great Britain and her colonies derived mutual strength and glory; which rendered them in peace and in war the envy and terror of the neighbouring nations. When entering on such a subject, we should cast far from us every thing that may inflame and mislead the passions. A cause of such magnitude is not to be conducted to its proper issue by heated or hasty resolves, by bitter animosities among ourselves, or even by severe recapitulation of past grievances. It requires the temperate and enlightened zeal of the patriot, the prudence and experience of the aged, and the strength and vigour of the prime of life; in a word, the united wisdom and force of all, exercised under the dictates of reason and the principles of the constitution. Let no party distinctions operate here; they will but give cause of triumph to those who are watchful and powerful to abridge our native rights. Let there be no contention, save who shall be firmest and foremost in the common cause. Every man's sentiments should be freely heard, and without prejudice. Whilst we contend for liberty with others, let us not refuse liberty to each other.

"Whatever resolution shall be now unanimously adopted, after full deliberation, by this great city and county, will be respected, not only throughout all America, but will have such weight as the proudest minister in England may have reason to respect. But should our determination be made by a divided vote, or be hastily adopted on an angry day, it will serve only to injure our cause.

"I have it in charge to request you, that, if on any point there be a difference of sentiment amongst us, every man may be at liberty to speak freely and uninterruptedly, and without outward marks from the audience of favour or offence; and, if a division be necessary, (which it is hoped will not be the

case this day,) that it may be made in the manner desired by the chairman, with all possible order and decorum."

By the answer to the public letter from Boston, which was unanimously adopted, the people of Philadelphia "acknowledged the difficulty of offering advice on the present occasion, sympathized with the people of Boston in their distress, and recommended that all lenient measures for their relief should be first tried; that if making restitution for the tea destroyed, would determine the unhappy controversy, and leave the people of Boston on their ancient footing of constitutional liberty, no doubt could be entertained of the part they should act; but the indefeasible right of granting their own money, and not the value of the tea, was the matter in consideration. That," they said, "was the common cause of America; and, therefore, it was necessary that a congress of deputies from the several colonies should be convened, to devise means for restoring harmony between Great Britain and the colonies, and preventing matters from coming to extremities. Until this could be done, they recommended firmness, prudence, and moderation, to the immediate sufferers, assuring them, that the people of Pennsylvania would continue firmly to adhere to the cause of American liberty."*

But the leaders of the Pennsylvania patriots, though prudently cautious in their proceeding, had resolved to jeopard life and fortune, rather than hold them by the will of despotic power. To resist ministerial oppression effectively, it was obviously necessary that they should have the active support of the whole province, and to this object they earnestly addressed themselves. The press, the ablest auxiliary of freedom, was successfully resorted to. Every newspaper teemed with dissertations in favour of liberty; the debates of parliament, especially the speeches of the favourers of America, and the protests of the dissenting lords, were every where published. An application was made to the governor to convene the assembly, which, as the patriots expected, was refused; but the refusal afforded them a plausible pretext for

* Penn. Gaz.

calling another meeting of the people. This meeting, consisting of near eight thousand,* of which Thomas Willing and John Dickenson were chairmen, resolved; that the Boston port act was unconstitutional; that it was expedient to convene a continental congress; to appoint a committee of the city and county of Philadelphia to correspond with the several counties of the province, and with the other colonies; and that such committee should be empowered to determine on the best mode for collecting the sense of the province, in the appointment of deputies to a general congress, and to set on foot a subscription for the relief of the sufferers by the Boston port bill.†

The committee immediately addressed a circular to all the counties of the province, requesting the appointment of deputies to a general conference, proposed to be holden at Philadelphia on the fifteenth of July. "We will not," said they, in this letter, "offer such an affront to the well-known public spirit of Pennsylvanians, as to question your zeal on the present occasion. Our very existence in the rank of freemen, and the security of all that ought to be dear to us, evidently depends on our conducting this great cause to its proper issue, by firmness, wisdom, and magnanimity. It is with pleasure that we assure you, that all the colonies, from South Carolina to New Hampshire, are animated with one spirit in the common cause, and consider this as the proper crisis for having our differences with the mother country brought to some certain issue, and our liberties fixed upon a

* June 18.

† Committee;—John Dickenson, Edward Pennington, John Nixon, Thomas Willing, George Clymer, Samuel Howell, Joseph Reed, John Roberts, Thomas Wharton jr., Charles Thompson, Jacob Barge, Thomas Barclay, William Rush, Robert Smith, (carpenter,) Thomas Fitzsimmons, George Roberts, Samuel Ewen, Thomas Mifflin, John Cox, George Gray, Robert Morris, Samuel Miles, John M. Nesbitt, Peter Chevallier, William Moulder, Joseph Moulder, Anthony Morris, John Allen, Jeremiah Warder, jr., Rev. Dr. William Smith, Paul Engle, Thomas Penrose, James Mease, Benjamin Marshall, Reuben Haines, John Bayard, Jonathan B. Smith, Thomas Wharton, Isaac Howell, Michael Hillegas, Adam Hulty, George Schlosser, and Christian Ludwick.

permanent foundation. This desirable end can only be accomplished by a free communication of sentiments, and a sincere and fervent regard for the interests of our common country."* The committee also requested the speaker of the assembly to summon its members to meet on the first of August, to consult on the public affairs. He assented to their request, but his call was rendered unnecessary, the governor summoning the house to consider the relations with the Indians.† This appeal to the patriotism of the country inhabitants was promptly answered. Deputies to the conference were elected by the several counties, who assembled at Philadelphia at the appointed time. Thus, without delay, tumult, or divided councils, the province was brought into action with its whole weight and influence.

The convention, composed of citizens distinguished for morals, intelligence, and wealth, chose Mr. Thomas Willing for their chairman, and Mr. Charles Thompson secretary, and adopted the following resolutions;—that they owed allegiance to George the third—that unconstitutional independence on the parent state was abhorrent to their principles—that they ardently desired the restoration of their ancient harmony with the mother country, on the principles of the constitution, and an interchange of good offices without infraction of their mutual rights—that the inhabitants of the colonies were entitled to the same rights and liberties within the colonies, that subjects born in England were entitled to within that realm—that the power assumed by parliament, to bind the colonists "by statutes, in all cases whatever," was unconstitutional, and therefore the source of the prevailing unhappy differences—that the late acts of parliament affecting the province of Massachusetts were unconstitutional, oppressive, and dangerous—that there was an absolute necessity that a colonial congress should be immediately assembled, to form a general plan of conduct for the colonies, in procuring relief for their suffering brethren, obtaining redress for their grievances, preventing future dissentions, firmly establishing

* Ramsay. Penn. Gazette. † Penn. Gazette.

their rights, and restoring harmony between Great Britain and her colonies on a constitutional foundation—that, although a suspension of the commerce of the province with Great Britain would greatly distress multitudes of the inhabitants, yet they were ready to make that and a much greater sacrifice for the preservation of their liberties; but, in tenderness to the people of Great Britain, as well as of America, and in hopes that their just remonstrances would at length reach the ears of their sovereign, and be no longer treated with contempt, by any of their fellow subjects in England, it was their earnest desire that congress should first try the gentler mode of stating their grievances, and making a firm and decent claim of redress—that yet, notwithstanding, as unanimity of counsels and measures was indispensably necessary for the common welfare, if congress should judge agreements of non-importation and non-exportation expedient, the people of Pennsylvania would join with the other principal and neighbouring colonies in such an association for that purpose as should be agreed upon by congress—that if any proceedings of parliament, of which notice should be received before, or at, the general congress, should render it necessary, in the opinion of that congress, for the colonies to take further steps than are mentioned in the preceding resolution, that the people of Pennsylvania would adopt such further steps, and do all in their power to carry them into execution—that the venders of merchandize within the province ought not to take advantage of the resolutions relative to non-importation, but should sell at the rates accustomed for three months then past—that the people of the province would break off all trade with any colony, town, city, or individual, on the American continent, which should refuse, decline, or neglect to adopt and carry into execution such general plan as should be agreed upon in congress—and that it was the duty of every member of the committee to promote to the utmost of his power, the subscription set on foot in the several counties of the province for the relief of the distressed inhabitants of Boston.

This convention conceiving itself to be a special representation of the inhabitants of the province, claimed and exercised the right to *instruct* the assembly, then about to meet, in the course proper for them to pursue, and adopted the following resolution:

"That this committee give *instructions* on the present situation of public affairs to their representatives, who are to meet next week in assembly, and request them to appoint a proper number of persons to attend a congress of deputies from the several colonies, at such time and place as may be agreed on, to effect one general plan of conduct for obtaining the great and important ends mentioned in the preceding resolutions."

These instructions were drafted by Mr. John Dickenson, and are highly valuable, containing a full view of the political relations, which, in the opinion of the convention, ought to subsist between the parent state and the colonies, and the terms on which they were willing to relinquish their opposition. "They acknowledged," they said, "the prerogatives of the sovereign, among which they included the great powers of making peace and war, treaties, leagues, and alliances *binding us;* of appointing all officers, except in cases where other provision is made, by grants from the crown, or laws approved by the crown; of confirming or annulling every act of our assembly within the allowed time, and of hearing and determining finally, in council, appeals from our courts of justice." "These prerogatives were limited by certain and notorious bounds; but it was their misfortune to be compelled loudly to call the assembly to the consideration of another power, limited by no bounds, and wearing a most dreadful aspect with regard to America; the power claimed by parliament of right to bind the people of these colonies by statutes, "IN ALL CASES WHATSOEVER;" a power, as we *are not,* and, from local circumstances, *cannot,* be represented there, utterly subversive of our natural and civil liberties; past events, and reason convincing us, that there never existed, and never can exist, a state *thus* subordinate to another, retaining the slightest portion of freedom or happiness."

"The import of the words above quoted needs no descant; for the wit of man, as we apprehend, cannot possibly form a more clear, concise, and comprehensive definition and sentence of slavery than these expressions contain."

"The power claimed by Great Britain, and the late attempts to exercise it over these colonies, present to our view two events, one of which must inevitably take place. If she shall continue to insist on her pretensions, either the colonies will sink from the rank of freemen into the class of slaves, overwhelmed with all the miseries and vices proved by the history of mankind to be inseparably annexed to that deplorable condition; or, if they have sense and virtue enough to exert themselves in striving to avoid this perdition, they must be involved in an opposition dreadful even in contemplation."

"Honour, justice, and humanity, call upon us to hold, and to transmit to our posterity, that liberty which we received from our ancestors. It is not our duty to leave wealth to our children; but it is our duty to leave liberty to them. No infamy, iniquity, or cruelty can exceed our own, if we, born and educated in a country of freedom, entitled to its blessings, and knowing their value, pusillanimously deserting the post assigned us by Divine Providence, surrender succeeding generations to a condition of wretchedness, from which no human efforts, in all probability, will be sufficient to extricate them; the experience of all states mournfully demonstrating to us, that when arbitrary power has been established over them, even the wisest and bravest nations that ever flourished, have, in a few years, degenerated into abject and wretched vassals."

"To us, therefore, it appears at this alarming period, our duty to God, to our country, to ourselves, and to our posterity, to exert our utmost ability in promoting and establishing harmony between Great Britain and these colonies, ON A CONSTITUTIONAL FOUNDATION."

"For attaining this great and desirable end, we request you to appoint a proper number of persons to attend a congress of deputies from the several colonies, appointed, or to be ap-

pointed, by the representatives of the people of the colonies respectively, in assembly, or convention, or by delegates chosen by the counties generally in the respective colonies, and met in provincial committee at such time, and in such place, as shall be generally agreed on; and that the deputies in this province may be induced and encouraged to concur in such measures as may be devised for the common welfare, we think it proper particularly to inform you how far we apprehend they will be supported in their conduct by their constituents."

"Mournfully revolving in our minds the calamities that, arising from the dissentions between the mother country and these colonies, will most probably fall upon us and our children, we will now lay before you the particular points, we request of you to procure, if possible, to be finally decided; and the measures that appear to us most likely to produce such a desirable period of our distresses and dangers. We therefore desire of you,

"First, That the deputies you may appoint be instructed by you, strenuously to exert themselves at the ensuing congress, to obtain a renunciation on the part of Great Britain of all powers under the statute of the 35th Henry VIII. c. 2. (statute for transporting persons guilty of certain offences to England for trial;) of all powers of internal legislation; of imposing taxes or duties, internal or external, and of regulating trade, except with respect to any new articles of commerce which the colonies may hereafter raise, as silk, wine, &c. reserving a right to carry these from one colony to an other; a repeal of all statutes for quartering troops in the colonies, or subjecting them to any expense on account of such troops; of all statutes imposing duties to be paid in the colonies, that were passed at the accession of his present majesty, or before this time, whichever period may be judged most adviseable; of the statutes giving the courts of admiralty in the colonies greater power than the courts of admiralty have in England; of the statutes of the 5th of Geo. II. c. 22, and of the 23d of Geo. II. c. 29; of the statute for shutting up the port of Boston, and of every other statute, particularly

affecting the province of Massachusetts bay, passed in the last session of parliament."

"In case of obtaining these terms, it is our opinion that it will be reasonable for the colonies to engage their obedience to the acts of parliament, commonly called the acts of navigation, and to every other act of parliament declared to have force at this time in these colonies, other than those above mentioned, and to confirm such statutes by acts of the several assemblies. It is also our opinion, that, taking example from our mother country, in abolishing the 'courts of wards and liveries, tenures in *capite*, and by knight's service, and purveyance,' it will be reasonable for the colonies, in case of obtaining the terms before mentioned, to settle a certain annual revenue on his majesty, his heirs, and successors, subject to the control of parliament, and to satisfy all damages done to the East India company.

"Secondly, If all the terms above mentioned cannot be obtained, it is our opinion that the measures adopted by the congress for our relief should never be relinquished or intermitted, until those relating to the troops, internal legislation, imposition of taxes or duties hereafter, the 35 Hen. VIII. c. 2, the extension of admiralty courts, the port of Boston, and the province of Massachusetts bay, are obtained. Every modification or qualification of these points in our judgment should be inadmissible. To obtain them, we think it may be prudent to settle some revenue as above mentioned, and to satisfy the East India company.

"Thirdly, If neither of these plans should be agreed to in Congress, but some others of a similar nature should be framed, though on the terms of a revenue and satisfaction to the East India company, and though it shall be agreed by the congress to admit no modification or qualification in the terms they shall insist on, we desire your deputies may be instructed to concur with the other deputies in it; and we will accede to and carry it into execution as far as we can.

"Fourthly, As to the regulation of trade, we are of the opinion, that, by making some few amendments, the commerce of

the colonies might be settled on a firm establishment, advantageous to Great Britain and them, requiring and subject to no future alterations without mutual consent. We desire to have this point considered by the congress, and such measures taken as they may judge proper."

Accompanying these instructions, and forming part of the original report of the sub-committee, was an eloquent and argumentative disquisition on the right of parliament to legislate for the colonies, supported by many learned and apposite quotations and illustrations.

Messrs. Dickenson, Reed, and Thompson, were directed to communicate to the other colonies the foregoing resolutions and instructions. And the latter were presented by the convention in a body to the legislature of Pennsylvania, who then had received and held under consideration the proceedings of the assemblies of Massachusetts, Rhode Island, and Virginia, containing resolutions for the appointment of members to the provincial congress.*

The house concurred unanimously in the propriety of this measure, and appointed Joseph Galloway, (their speaker) Samuel Rhoads, Thomas Mifflin, Charles Humphries, George Ross, and Edward Biddle, deputies on the part of Pennsylvania to the congress, and at a subsequent meeting John Dickenson was added to the number. The delegates were instructed "to meet in congress the committees of the several British colonies, at such time and place as should be generally agreed upon, to consult together upon the critical and alarming state of the colonies, and with them to exert their utmost endeavours to form and adopt a plan which should afford the best prospect of obtaining redress of American grievances, ascertaining American rights, and establishing that union and harmony which is most essential to the welfare and happiness of both countries." But, in seeking these desirable objects, they were strictly charged to avoid every thing indecent or disrespectful to the mother state.

* 21st July.

The delegates from eleven provinces assembled at Philadelphia on the fourth of September; those from North Carolina did not appear until the fourteenth.* On the fifth, Peyton Randolph of Virginia was unanimously chosen President, and Charles Thompson elected secretary. As the congress was composed of men who gave tone to the sentiments of the provinces which they respectively represented, it was in course, that the prominent acts of the colonies should be supported and enforced with the ability and dignity pertaining to their joint endeavours. Still there was a chivalrous disregard of self in the prompt and energetic approbation of the highest measures of Massachusetts, which history rarely discloses among a temperate and calculating people, even amid the excitements of political revolution; and which leads us to believe, that even at this time, independence of Great Britain was a foregone conclusion in the bosoms of most members of the congress, which yet they scarce dared acknowledge to themselves, still less breathe to others.

Whilst expressing "their sympathy in the sufferings of their countrymen of Massachusetts, under the late unjust, cruel, and oppressive acts of the British parliament," congress approved of the resolve of the county of Suffolk, in which Boston lies, "that no obedience was due from that province to such acts, but that they should be rejected as the attempts of a wicked administration." They resolved, that contributions from all the colonies, for supplying the necessities, and alleviating the distresses, of their brethren at Boston, ought to be continued in such manner, and so long, as their occasions might require. They requested the merchants of the several colonies to refuse new orders for goods from Great Britain, and to suspend the execution of such as had been sent, until the sense of congress, on the means to be adopted for the preservation of the liberties of America, should be made public. And soon after, they adopted resolutions prohibiting the importation, the purchase, or use, of goods from Great Britain, or Ireland, or their dependencies,

* Congress held their sessions in Carpenters' Hall.

after the first day of the succeeding December; and directing that all exports to Great Britain and the West Indies should cease on the tenth of September, 1775, unless American grievances should be sooner redressed. An association, corresponding with these resolutions, was then framed, and signed by every member present. "Never," says Mr. Marshall, "were laws more faithfully observed, than were the resolves of congress at this period, and their association was of consequence universally adopted."(1)

The better to enforce these resolutions, congress recommended the appointment of committees in the several counties and towns, who, soon after their appointment, under the names of committees of superintendence and correspondence, assumed no inconsiderable portion of the executive power and duties in the several colonies, and became efficient instruments in aiding the progress of the revolution.

In the city and county of Philadelphia, the committee of correspondence appointed at the town meeting on the eighteenth of June, voluntarily resigned their appointments, and two others were chosen, by the citizens entitled to vote for members of the legislature, by ballot; the one for the city and liberties, the other for the agricultural part of the county.*

(1) See Note 2 S, Appendix, for manner by which these resolves were enforced.

* Names of the committee of correspondence elected for the city and county of Philadelphia, to continue in office until two weeks after the close of the session of congress to be holden in May, 1775: John Dickenson, Thomas Mifflin, Charles Thompson, John Cadwallader, Robert Morris, Samuel Howell, George Clymer, Joseph Reed, Samuel Meredith, John Allen, William Rush, James Mease, John Nixon, John Cox, John Bayard, Christopher Ludwig, Thomas Barclay, George Schlosser, Jonathan B. Smith, Francis Wade, Benjamin Marshall, Lambert Cadwallader, Reynold Keen, Richard Bache, John Benezet, Henry Keppele, jr., Jacob Winey, Jacob Rush, Joseph Falconer, William Bradford, John Shee, Owen Biddle, William Heysham, James Milligan, John Wilcocks, Sharp Delany, Francis Gurney, John Purviance, Robert Knox, Francis Hassencleaver, Thomas Cuthbert, Sen., William Jackson, Isaac Melchoir, Samuel Penrose, Isaac Coates, William Coates, Blathwaite Jones, Thomas Pryor, Samuel Massey, Robert Towers, Henry Jones, Joseph Wetherill, Joseph Copperthwaite, Joseph Dean, Benjamin

Congress also adopted a declaration of rights, embracing the principles contained in the instructions of the Pennsylvania convention to the assembly, an address to the people of Great Britain, a memorial to the inhabitants of British America, and a loyal address to his majesty. They addressed letters to the people of Canada, and to those of the colonies of St. Johns, Nova Scotia, Georgia, and the Floridas, inviting them to unite in the cause of British America.

After a session of near eight weeks, the congress dissolved itself, recommending that another should be holden on the tenth of May next ensuing, at Philadelphia, unless redress for their grievances should be previously obtained. Their recommendations were deemed by the people more sacred than laws enacted by constitutional authority, and received the formal sanction of the assemblies of the several provinces, that of New York excepted.

The assembly of Pennsylvania was the first provincial legislature to which report of the congressional proceedings was made.* By this body, composed of a large proportion of Friends, they were unanimously approved, and recommended to the inviolable observance of the people; and Messrs. Biddle, Dickenson, Mifflin, Galloway, Humphries, Morton, and Ross, were appointed delegates to the next congress, Mr. Rhoads being omitted, his office of mayor of the city engrossing all his attention. Upon the return of Dr. Franklin from London, (fourteenth of May, 1775,) he was immediately added to the congressional delegation, together with Messrs. James Wilson and Thomas Willing. Mr. Galloway having repeatedly requested to be excused from serving as a deputy, was then permitted to withdraw. This gentleman became affrighted at the length to which the opposition of the parent state was carried. He drew the instructions given to the Pennsylvania delegates for the past and next congress, and refused to serve unless they were framed to his

Harbeson, James Ash, Benjamin Loxly, W. Robinson, joiner, Riclof Albertson, James Irvine. *Southwark;* Elias Boys, Joseph Turner, Abraham Jones, Thomas Robinson. *Kensington;* Emanuel Eyres, Jacob Miller.

* December 8.

wishes: He opposed the resolution approving the proceedings of the county of Suffolk, and perplexed the deliberations of congress on the declaration of rights, delaying its adoption for near two weeks; and when congress refused to him, and Mr. Duane, of New York, permission to enter their protest against this measure on their minutes, they gave to each other certificates of their opposition to it, under the conviction that it was pregnant with treason.*

Hitherto governor Penn had looked upon the proceedings of the assembly without attempting to direct or control them. He was supposed to favour the efforts made in support of American principles; but now a semblance of regard to the instructions of the crown induced him to remonstrate in mild terms against the continental system of petition and remonstrance.† "On the present occasion," he said, "it is conceived, that any grievances which his majesty's subjects in America apprehend they have reason to complain of, should be humbly represented to his majesty by the several assemblies, as the only proper and constitutional mode of obtaining redress; and I have the best reason to believe that a proper attention will be paid to such representations, and to any propositions that may be made through that channel on the present state of American affairs." The assembly, however, was not disposed to pursue any other course of reconciliation than that adopted by the united colonies. They replied to the governor's message, "that since the year 1763 a system of colonial administration had been pursued, destructive of the rights and liberties of his majesty's most faithful subjects in America; and that they had heretofore adopted such measures as they thought most likely to restore affection and harmony between the parent state and the colonies: That a most humble, dutiful, and affecting petition from the delegates of all the colonies from Nova Scotia to Georgia, was now at the foot of the throne, and they trusted in the paternal affection and justice of their sovereign, that he would

* Votes. Pamphlets. Ramsey. † February 21.

interpose for the relief of his greatly distressed and ever faithful subjects in America."

In England, the proceedings of the Americans were viewed with great indignation by the king and his ministry. His majesty, in his opening speech* to a parliament newly elected, informed them, before intelligence had been received of the course of the congress, "that a most daring spirit of resistance and disobedience to the laws unhappily prevailed in the province of Massachusetts, and had broken forth in fresh violences of a very criminal nature; and that these proceedings had been countenanced and encouraged in his other colonies; that unwarrantable attempts had been made to obstruct the commerce of his kingdoms by unlawful combinations; and that he had taken such measures, and given such orders as he judged most proper and effectual for carrying into execution the laws, which were passed in the last session of the late parliament relative to the province of Massachusetts; an address, echoing the royal speech, was carried by large majorities in both houses of parliament, but not without a spirited protest from some few lords of the minority.†

The reception in London of the proceedings of congress appeared to have a momentary beneficial effect upon their cause. The administration were staggered, and the opposition triumphed in the truth of their predictions, that the measures pursued by the ministry would unite all the colonies in resistance. The petition of congress to the king was declared by the secretary of state, after a day's perusal, to be decent and proper, and was received graciously by his majesty, who promised to lay it before his two houses of parliament. But the ministry had resolved to compel the obedience of the Americans. Hence every representation from America, coming through channels, other than ministerial partisans, was unwillingly received, and denied all credit. The remonstrances of the representatives of three

* October 30.

† Richmond, Portland, Rockingham, Stamford, Stanhope, Torrington, Ponsonby, Wycombe, and Camden.

millions of men, made under the most awful and affecting circumstances, and the most sacred responsibilities, were treated, perhaps believed, as the clamours of an unruly multitude. In vain did the merchants of London, Bristol, Glasgow, Norwich, Liverpool, Manchester, Birmingham, and other places, by petition, portray the evils which must result from such determination, and predict the dangers to the commercial interest of the kingdom: In vain did the planters of the sugar colonies, resident in Great Britain, represent, that the profits on British property in the West India Islands, amounting to many millions, which ultimately centred in Great Britain, would be deranged and endangered by the continuance of the American troubles: In vain did the venerable earl of Chatham, roused from a long retirement, by the danger of losing these colonies, which his own measures had protected, and seemingly assured to the parent state, apply his comprehensive mind and matchless eloquence to arrest the fatal course of the administration: In vain, from a prophetic view of events, did he demonstrate the impossibility of subjugating the colonies; and urge the immediate removal of the troops collected by general Gage at Boston, as a measure indispensably necessary to open the way for an adjustment of the differences with the provinces: In vain, when undiscouraged by the rejection of this motion, did he propose a bill for settling the troubles in America. The period of American emancipation had approached, and the power which might have delayed it, was providentially stultified.

Both houses of parliament joined in an address to the king, declaring "that they find a rebellion actually exists in the province of Massachusetts." This was followed by an act for restraining the trade and commerce of the New England provinces, and prohibiting them from carrying on the fisheries on the banks of Newfoundland, which was subsequently extended to New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, and the counties on the Delaware.

Pending the consideration of this bill, lord North introduced what he termed a conciliatory proposition. It provided that when any colony should propose to make provision, ac-

cording to its circumstances, for contributing its proportion to the common defence, (such proportion to be raised under the authority of the general assembly of such colony, and disposable by parliament,) and should engage to make provision also for the support of the civil government, and the administration of justice in such colony, it would be proper, if such proposal were approved by his majesty and parliament, and for so long as such provision should be made, to forbear to levy any duty or tax except such duties as were expedient for the regulation of commerce, the net produce of the last mentioned duties to be carried to the account of such colony. This proposition was opposed by the friends of the minister, as an admission of the correctness of the American views as to taxation by parliament, and as a concession to armed rebels, until it was explained that the resolution was designed to enforce the essential part of taxation by compelling the Americans to raise, not only what they, but what parliament should think reasonable. The minister declared "that he did not expect the proposition would be acceptable to the Americans, but that if it had no beneficial effect in the colonies, it would unite the people of England by holding out to them a distinct object of revenue. That, as it tended to unite England, it would produce disunion in America; for, if one colony accepted it, their confederacy, which made them formidable, would be broken."

This avowal of the character and tendency of the resolution was not requisite to enlighten the colonists. On its transmission to the provinces, it was unanimously rejected. A specimen of the manner in which it was attempted to be supported is found in the address of governor Penn to the assembly of Pennsylvania. He presented the resolution to the house as an indication of the strong disposition of parliament to remove the causes of American discontents; urged them to consider this plan of reconciliation offered by the parent state to her children with that temper, calmness, and deliberation, which the importance of the subject and the present critical situation of affairs demanded; observed, that the colonies, amid the complaints occasioned by jealousy of

their liberties, had never denied the justice of contributing towards the burthens of the mother country, to whose protection and care they owed not only their present opulence, but even their existence. On the contrary, every statement of their supposed grievances avowed the propriety of such a measure, and their willingness to comply with it. The dispute was therefore narrowed to this point, whether the redress of colonial grievances should precede or follow the settlement of that just proportion which America should bear towards the common support and defence of the whole British empire. In the resolution of the house of commons, which he was authorized to say was entirely approved by his majesty, they had a solemn declaration, that an exemption from any duty would be the consequence of a compliance with the terms of such resolution. For the performance of this engagement, he presumed no greater security would be required than the resolution itself approbated by his majesty. And as they were the first assembly to whom this resolution had been communicated, much depended upon their conduct, and they would deservedly be revered by the latest posterity, if by any possible means they could be instrumental in restoring the public tranquillity, and rescuing both countries from the horrors of a civil war."

The assembly lost no time in replying to this message. "They regretted," they said, "that they could not think the offered terms afforded just and reasonable grounds for a final accommodation between Great Britain and the colonies: They admitted the justice of contribution in case of the burthens of the mother country, but they claimed it as their indisputable right that all aids from them should be free and voluntary, not taken by force, nor extorted by fear; and they chose rather to leave the character of the proposed plan to be determined by the governor's good sense, than to expose it by reference to notorious facts, or the repetition of obvious reasons. But, if the plan proposed were unexceptionable, they would esteem it dishonourable to adopt it without the advice and consent of their sister colonies, who, united by just motives and mutual faith, were guided by general counsels.

They assured him that they could form no projects of permanent advantage for Pennsylvania which were not in common with the other colonies; and should a prospect of exclusive advantage be opened to them, they had too great regard for their engagements to accept benefits for themselves only, which were due to all, and which, by a generous rejection for the present, might be finally secured to all."

A second provincial convention was holden at Philadelphia,* of which Joseph Reed was chosen president, Jonathan B. Smith, John Benezet, and Francis Johnston, secretaries, designed to enforce the measures recommended by congress, and to devise means for supplying the wants which adherence to those measures left without the ordinary modes of gratification. The convention declared its approbation of the proceedings of congress, and its resolution to maintain the association recommended by them; and pledged the counties generally, that should the trade of the city and liberties be suspended in consequence of the present struggle, exertions should be made to relieve its inhabitants. It resolved, that the committees of superintendence of the several counties should aid each other in case of resistance to their efforts to enforce the principle of the association: That the convention earnestly desired to see harmony restored between Great Britain and the colonies, and would exert their utmost endeavours to attain this object: That the commercial opposition resolved on by the continental congress, if faithfully sustained, would be the means of rescuing the country from the evils meditated against it; but should the humble and loyal petition of congress to his majesty be disregarded, and the British ministry, instead of redressing their grievances, determine by force to effect submission to the late arbitrary acts of parliament, they deemed it their indispensable duty to resist such force, and at every hazard to defend the rights and liberties of America."

To provide against the inconveniences arising from non-importation, the convention recommended that no sheep

* January 23 to 28.

under four years old should be killed for the shambles; that various branches of manufactures in wool, iron, copper, tin, paper, glass, &c. should be established; that attention should be paid to the growing of dye stuffs, flax and hemp, and to the making of salt, saltpetre, and gunpowder; and the latter article especially, in large quantities, *inasmuch as there existed a great necessity for it, particularly in the Indian trade;* that the manufactures of the colonies should be exclusively used, and that associations should be formed for promoting these objects. Public exposure, as an enemy of the country, was denounced, as the penalty on the wretch, who, taking advantage of the times, should be sordid enough to charge an extravagant profit upon his wares. The committee of correspondence of the city and county of Philadelphia was empowered by the convention to act as a standing committee of correspondence for the province, and to convene a provincial convention when they should deem it expedient.

This committee assumed to themselves powers widely different from those indicated by their title. The crisis to which the convention looked forward, when framing their late resolves, had arrived. The battle of Lexington was fought, and submission to the arbitrary acts of parliament was attempted to be enforced by the bayonet. An unquenchable blaze of indignation pervaded the continent. At Philadelphia, under the direction of the committee, a meeting of the people, consisting of many thousands, resolved to form a military association for the protection of their property, their liberties, and their lives.* The association extended through every county of the province; its members cheerfully furnishing themselves with the necessary arms, and devoting themselves to acquire skill in their use. At the instance of the committee of correspondence, the assembly approved the association, and engaged to provide for the pay and sustenance of such of the members as should be called into actual service, and appropriated the sum of seven thousand pounds for the defence of the city.†

* April 24. † May. June.

Congress at their session in May having resolved to raise a continental army, of which the Pennsylvania portion amounted to four thousand three hundred men, the assembly recommended to the commissioners of the several counties, as they regarded the freedom, welfare, and safety of their country, to provide arms and accoutrements for this force: they also directed the officers of the military association to select a number of minute men, equal to the number of arms which could be procured, who should hold themselves in readiness to march at the shortest notice to any quarter, in case of emergency; they made further appropriations for the defence of the city against attacks by vessels of war, and directed the purchase of all the saltpetre that should be manufactured within the next six months at a premium price. The house adopted also a most important and effective measure, in the appointment of a committee of public safety, with power to call the associated troops into service, to pay and support them, and generally to provide for the defence of the province against invasion and insurrection; issuing for these purposes bills of credit for thirty-five thousand pounds, redeemable by a tax on real and personal estate.* Of this sum, and others, afterwards voted by the house, Michael Hillegas was appointed treasurer. The committee at once assumed the chief executive powers in the province.

Amid these warlike preparations, the assembly was not unmindful of those inhabitants who were conscientiously scrupulous of bearing arms. They earnestly recommended to the associators to bear a tender and fraternal regard towards

* Committee of safety:—John Dickenson, George Gray, Henry Wynkoop, Anthony Wayne, Benjamin Bartholomew, George Ross, Michael Swope, John Montgomery, Edward Biddle, William Edmonds, Bernard Dougherty, Samuel Hunter, William Thompson, Thomas Willing, Benjamin Franklin, Daniel Roberdeau, John Cadwallader, Andrew Allen, Owen Biddle, Francis Johnston, Richard Reilly, Samuel Morris, jr., Robert Morris, Thomas Wharton, jr., and Robert White: of this committee Dr. Franklin was chosen president. After the election in October, these gentlemen were re-appointed, and Joseph Reed, Nicholas Fairlamb, George Clymer, Samuel Howell, Alexander Wilson, John Nixon, James Mease and James Biddle, were added to the committee.

this class of their fellow subjects; and to the latter, that they should cheerfully, in proportion to their ability, aid such associators who might be unable to expend their time and substance in the public service without injury to themselves and families. This latter recommendation was scarce needed; for if the society of Friends refused to take arms, they bestowed their wealth to relieve the sufferers by the calamities of war. The meeting of sufferings held in Philadelphia, on the sixth of July, declared, that the afflictions and distresses of the inhabitants of Massachusetts, and other parts of New England, had often engaged their pity and commiseration, with a desire to be instrumental for their relief; and, by a circular addressed to their members, they recommended to their serious and benevolent consideration, the sorrowful calamities prevailing among these people, and a contribution for the relief of the necessitous of every religious denomination. To this end, they distributed printed subscription papers; and requested that suitable active members might be appointed in each monthly and preparatory meeting, to apply for the donations of Friends. The task of applying their gifts was imposed upon a committee of twenty-six persons, appointed by the yearly meeting at Rhode Island, with whom they proposed to correspond.

Among the first labours of the committee of public safety, was that of preparing articles for the government of the military association. These citizen soldiers refused to sign, and submit to, the proposed regulations; alleging, that many persons, rich and able to perform military duty, claimed exemption, under pretence of conscientious scruples; and asserting, that where the liberty of all was at stake, all should aid in its defence, and that where the cause was common to all, it was inconsistent with justice and equity that the burden should be partial. Moved by these representations, the committee of safety recommended to the assembly, to provide that all persons should be subject to military duty, but that persons conscientiously scrupulous, might compound for actual service, by a pecuniary equivalent. The house, however, was not prepared for a measure of so strong a character; and

they suffered their term of office to expire, without passing upon the proposition.

But this subject was pressed on the early attention of the succeeding assembly;* congress having recommended to the inhabitants of the several provinces, between the ages of sixteen and fifty, to organize themselves into regular companies of militia, gave new occasion to the associators to urge the assembly to put all the inhabitants in this respect on an equal footing.

The Quakers, who were the most affected by coercion to military service, addressed the legislature, setting forth their religious faith and practice with respect to bearing arms, the persecutions sustained by their ancestors for conscience sake, and the consequent abandonment of their native country, and emigration to the wilderness, in search of civil and religious liberty; and claiming exemption from military service, by virtue of the thirty-fifth section of the laws agreed upon in England, and the first clause of the existing charter granted by Penn. By the first, "no person living peaceably and justly in civil society could be molested or prejudiced by his religious persuasion or practice, in matters of faith or worship." "Nor," by the second, "be compelled to do or suffer any thing contrary to his religious persuasion." They contended, therefore, that they could not be legally required to do aught which their consciences forbade, and that the sincerity of their scruples should be judged by the Lord of their consciences only. They asserted that they entertained a just sense of the value of their religious and civil liberties, and had ever been desirous of preserving them by all measures not inconsistent with their Christian profession and principles; and, though they believed it to be their duty to submit to the powers which, in the course of Divine Providence, were set over them, yet where there was oppression, or cause of suffering, it became them with Christian meekness and firmness to petition and remonstrate against it, and to en-

* October.

deavour, by just reasoning and arguments, to assert their rights and principles in order to obtain relief."

The Menonists and German baptists also addressed the assembly with prayers for exemption from military service. But their views differed essentially from those of the Quakers. The latter not only refused personal military service, but they denied the lawfulness of commuting it for pecuniary consideration; whilst the former declared, that, though not at liberty in conscience to bear arms, it was a principle with them to feed the hungry, and give the thirsty drink; and that they were always ready, pursuant to Christ's command to Peter, to pay tribute, that they might offend no man; and that they were ready to pay taxes, and to render unto Cæsar the things which were Cæsar's.

The right of exemption from military service and contribution claimed by the Quakers, was earnestly contested by the committee of correspondence of the city and county of Philadelphia, and by committees from the officers and privates of the military association, from whom addresses were severally presented to the assembly. The first denounced the principles of non-resistance professed by Friends, "as unfriendly to the liberties of America, destructive of all society and government, and highly reflecting on the glorious revolutions which placed the present royal family on the throne." "Though firmly persuaded," they said, "that a majority of that society have too much sincerity, wisdom, and good sense, to be influenced by such principles; yet duty to ourselves, to our country, and our posterity, at this alarming crisis, constrains us to use our utmost endeavours to prevent the fatal consequences that might attend your compliance with the application of the people called Quakers. These gentlemen would withdraw their persons and fortunes from the service of their country at a time when most needed; and if the patrons and friends of liberty succeed in the present glorious struggle, *they* and their posterity will enjoy all the advantages, without jeoparding person or property. Should the friends of liberty fail, *they* will risk no forfeitures, but having merited the protection and favour of the British minis-

try, will probably be rewarded by promotion to office. This they seem to desire and expect. Though such conduct manifestly tends to defeat the virtuous and wise measures planned by the congress, and is obviously selfish, ungenerous, and unjust, yet we would animadvert upon the arguments they have used to induce the house to favour and support it."

The committee denied that the Old or New Testament furnished a single argument in support of this plea of conscience; that it was sustainable by a proper construction of the charter by Penn, or a just consideration of his principles. "He had," they said, "accepted the title of captain-general, with power by himself, his captains, and other officers, to levy, muster, and train all *sorts* of men, of what *condition* soever, and to make war even out of the province. If none but Quakers came at first to the province with the proprietor, and the colony was intended exclusively for them, as the addressers seemed to intimate, the petitioners could not conceive that any others than Quakers could be made captains and officers."

"Be this as it may, self-preservation," they continued, "is the first duty of nature, which every man indispensably owes, not only to himself, but to the Supreme Director and Governor of the Universe, who gave him being: In political society, all men, by the original compact, are required to unite in defence of the community against such as would unlawfully deprive them of their rights, and those who withdraw themselves from this compact are not entitled to the protection of the society. The safety of the people is the supreme law. He who receives an equal benefit should bear an equal burthen. The doctrine of passive obedience and non-resistance is incompatible with freedom and happiness; and the petitioners were of opinion that even the addressers, who, distant from danger, and seduced by casuistical reasoning, might affect to exclude all resistance, would listen to the voice of nature, when evident ruin to themselves and the public must follow a strict adherence to such principles, if there were no other persons in the community to defend them." They therefore prayed, that the assembly would not, at a time when

the aid of every individual was required to preserve their common rights, exempt many of the wealthiest citizens from co-operating with their countrymen in some way or other for their common safety. Like representations were made from the board of officers, and committee of privates of the military association, in terms more energetic, but not sustained by more efficient reasons.

Thus urged, the assembly resolved, that "all persons between the ages of sixteen and fifty, capable of bearing arms, who did not associate for the defence of the province, ought to contribute an equivalent for the time spent by the associators in acquiring military discipline, ministers of the gospel, of all denominations, and servants purchased *bona-fide* for valuable consideration, only, excepted. By this resolution the principle which still regulates fines for neglect or refusal of military service was established.

The military association, originally a mere voluntary engagement, became, by the resolutions of the assembly, now having the effect of laws, a compulsory militia. Returns were required from the assessors of the several townships and wards of all persons within military age, capable of bearing arms; and the captains of the companies of associators were directed to furnish to their colonels, and the colonels to the county commissioners, lists of such persons as had joined the association; and the commissioners were empowered to assess on those not associated the sum of two pounds ten shillings annually, in addition to the ordinary tax. The assembly also adopted rules and regulations for the better government of the military association, the thirty-fifth article of which provided, "that if any associator called into actual service, should leave a family not of ability to maintain themselves in his absence, the justices of the peace of the proper city or county, with the overseers of the poor, should make provision for their maintainance."

## CHAPTER XXI.

State of the dispute with England····Hostilities commenced ····Meeting of congress····Desire to fix the commencement of hostilities on the British····Advice to the inhabitants of New York, relative to the reception of British troops····Colouring given to the capture of Ticonderoga····Measures of offence and defence adopted by congress····Address to the army····Selection of a commander-in-chief····George Washington appointed····Address of the congress of New York on his appointment····Appointment of subordinate generals, &c·····Last petition to the king····Contemplated rejection thereof····Manifesto of congress····General Washington repairs to the army before Boston····Invasion of Canada···· Arnold's expedition to Quebec····Attack on Quebec, under Montgomery and Arnold····Death of Montgomery····Arnold wounded····Americans withdraw from Quebec···· Character of Montgomery····Military preparations of Pennsylvania····Change of the colonial government proposed in congress····Differences of opinion on the change of government in Pennsylvania····New parties formed····Whigs and tories····Town meeting in Philadelphia deny the power of the assembly to new model the government····Measures adopted for calling a provincial conference····Opposition to the change of government····Measures of the committee for the city and county of Philadelphia····Provincial conference assembles····Proceedings····Their address to the people····Virginia proposes to congress to declare the colonies independent····Instructions of Pennsylvania delegates in relation thereto····Declaration of independence by the Pennsylvania conference····Adopted measures for organizing militia····Independence proposed and debated in congress ····Arguments thereon····Lee and Adams····Dickenson···· ····Declaration of independence prepared····Adopted···· Proclaimed····Remarks····Meeting of the convention for

forming constitution of Pennsylvania····Proceedings····Convention assumes the whole political power of the state···· Appoints delegates to congress····Assembly, last meetings of····Expiration of the term of, and extinction of the colonial government.

Congress had fixed on the month of May for their next meeting, that the disposition of the parent state might be known previously to their deliberations. They entertained hopes that their re-assembling might be unnecessary; that the union of the colonies, their petition to the king, and address to the people of Great Britain, would lead to the redress of their grievances. But these flattering delusions now gave place to the stern and gloomy truth, that their rights must be defended by the sword; that their quarrel must be determined by an appeal to the God of battles. For this appeal the colonies generally prepared, as soon as the proceedings of parliament, and resolution of ministry to send out additional troops, were known. Means were taken every where to organize and instruct the militia, and to procure arms and munitions of war.

Before congress met hostilities had commenced; the battle of Lexington was fought,* and Ticonderoga captured;† and soon after the ever memorable engagement at Breed's Hill,‡ gave confidence to the colonists, and the British army under general Gage was besieged in Boston. Instead of contending against orations of ministers, votes, and acts of parliament, by petitions and remonstrances, addresses and resolutions, congress was now to be employed in developing the resources, and directing the energies of the colonies to sustain and overcome the military power of Great Britain, hitherto deemed irresistible.

Peyton Randolph was again chosen president, and Charles Thompson secretary of congress. But Mr. Randolph, a few days after the commencement of the session, having been recalled to Virginia, by his duties as speaker of the house of

* 19th April. † 9th May. ‡ June 17.

burgesses of that province, Mr. John Hancock was unanimously chosen his successor. Although the leading patriots had long been convinced that the controversy must be decided by arms, they were anxious that the odium of commencing hostilities should fall on their oppressors. With this view depositions were presented to congress, proving that the king's troops had been the aggressors at the battle of Lexington; and the inhabitants of New York were advised to act on the defensive, on the arrival of British troops destined for that port, so long as might be consistent with their safety; to permit the troops to remain in the barracks, whilst they behaved peaceably, but not to suffer fortifications to be erected, nor the communication between the town and country to be impeded. To the same cause also must be assigned, the resolution of congress, ascribing the capture of Ticonderoga to the imperious necessity of resisting a cruel invasion of the colonies from Canada, planned and commenced by the ministry, and recommending the removal of the stores from that post to some place south of lake George, that they might be restored when harmony between Great Britain and her colonies should render it prudent and consistent with the overruling law of self-preservation.

Congress proceeded promptly to the adoption of further measures of offence and defence. They prohibited the export trade to such parts of British America as had not joined their confederacy; forbade the supply of provisions and other necessaries to the English fisheries on the coast, to the army and navy in Massachusetts, and to vessels employed in the transport of British troops and munitions of war; and interdicted the negotiation of bills of exchange drawn by British officers, agents, or contractors, and the furnishing of money to them on any terms whatever. They resolved, that, for the purpose of securing the colonies against all attempts to execute by force the late obnoxious acts of parliament, they should be immediately put into a state of defence; recommending to the provinces, severally, to provide the means of fabricating gunpowder, and obtaining adequate supplies of ammunition; to arm and discipline their militia, and so to

class them, that one-fourth of their number might be drawn into action at a minute's warning, and to form a corps for the continental service; authorizing each colony apprehensive of an attack from the English army, to levy one thousand regulars, at the expense of the Union: they organized the higher departments of the army, framed rules and regulations for its government; and, for its maintainance, issued bills of credit to the value of three millions of dollars, pledging the faith of the confederated colonies for their redemption: they prepared an address, which they directed to be published to the army, when organized, and to be read to the people from the pulpits, reviewing the conduct of Great Britain towards her colonists, exposing the enormity of her pretension to legislate for them in all cases, exhibiting the dreadful alternative to which she had reduced them, of unconditional submission, or resistance by arms; and asserting the justice of their cause, the competency of the means to maintain it, and their fixed determination to employ, at every hazard, the utmost energy of the powers granted by their Creator, for the preservation of their liberties. This spirit-stirring manifesto closed with the following solemn protestation. "In our native land, in defence of the freedom which is our birthright, and which we ever enjoyed until the late violation of it, for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms; we shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before."

The selection of a commander-in-chief for the colonial armies, would, under other than existing circumstances, have been attended with much difficulty, in consequence of the opposing pretensions of the northern, middle, and southern colonies. The individual best fitted for this important trust, was now a delegate in congress, and had embarked a high character and splendid fortune, together with his life, in the mighty contest. Of mature age, and advantageously known

to all British America, by his military talents, sound judgment, firm temper, spotless integrity, and dignified person and demeanour, there could not exist a single personal objection to his nomination. The middle and southern districts possessed no man having superior claims to the public confidence; and if the northern provinces had a preference for an individual of their own section, policy and gratitude required its sacrifice. The delegates from Massachusetts, therefore, nominated colonel George Washington, of Virginia, who was unanimously appointed general and commander-in-chief of the United colonies.* His commission, revocable by the present or future congress, invested him with "full power and authority to act as he should think for the good and welfare of the service," subject to the rules and discipline of war, and the orders of congress. By a resolution simultaneous with his appointment, congress declared, "that for the maintainance and preservation of American liberty, they would adhere to him with their lives and fortunes." The reply of Mr. Washington to the annunciation of his appointment by the president of congress, was marked by that modesty, disinterestedness, and devotion to duty, which eminently distinguished him. As no pecuniary motive had excited him to action in the public cause, he declined all compensation for services that were inestimable, declaring that he would accept only the reimbursement of his expenses.

This wise and fortunate appointment was universally approved. But amid the expressions of satisfaction which were tendered to the general, there were indications of that just and irrepressible jealousy of military power which should distinguish a free people. The provincial congress of New York, whilst declaring their confidence in him, deemed it proper also, to avow their expectations, "that, when an accommodation with the mother country should be effected, he would cheerfully resign the important deposit committed to his hands, and re-assume the character of our worthiest citizen." Nor were these expectations disappointed. The vir-

* June 15, 1775.

tuous man who drew his sword in his country's need, returned it to the scabbard when no longer necessary for her service, unstained by the blood of those he was called to protect; and cheerfully resigned a dictatorial power which he had exercised with the most profound respect for the constitution, the laws, and the established civil authority, calmly retiring to the enjoyment of domestic quiet and rural employments, rewarded for his labours by an approving conscience, and the unmingled blessings of his fellow citizens.

Soon after the nomination of the commander-in-chief, congress proceeded to create and fill the offices of subordinate generals. Artemas Ward, Charles Lee, Philip Schuyler, and Israel Putnam, were appointed major-generals, ranking in the order we have named them; Horatio Gates, adjutant-general; and Seth Pomeroy, Richard Montgomery, David Wooster, William Heath, Joseph Spencer, John Thomas, John Sullivan, and Nathaniel Greene, brigadiers.

Although determined to resist to the uttermost the tyranny of the parent state, the colonies had given no public indication of their desire to become independent of her government. Many provincialists, certainly, looked to political independence as the possible result of the contest; some, perhaps, wished and sought it, but none avowed such wishes. The American people were proud of their derivation, and exulted in their connexion with Great Britain. Some of their most distinguished patriots could under no circumstances resolve to break the bonds which bound them to her. It was characteristic, therefore, that, amid warlike preparations, renewed attempts should be made to propitiate the British government and people. Another petition to the king was, however, opposed by several members of the congress, from a conviction that it would prove nugatory. But the influence of Mr. Dickenson, by whom it was proposed and written, procured its adoption.

This address, replete with professions of duty and attachment, declared, that "the provincialists not only most fervently desired the former harmony between Great Britain and the colonies to be restored, but that a concord might be

established between them upon so firm a basis, as to perpetuate its blessings, uninterrupted by any future dissentions, to succeeding generations in both countries. They, therefore, besought his majesty to direct some mode by which the united applications of his faithful colonists to the throne, in pursuance of their common counsels, might be improved to a happy and permanent reconciliation. These sincere professions of three millions of his subjects, were contemptuously treated by the king. The petition was presented through the secretary for American affairs, on the first of September, by Messrs. Richard Penn and Henry Lee; and on the fourth, lord Dartmouth informed them, that "to it no answer would be given." And in a speech from the throne, the colonists were accused of designing "to amuse, by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to their king, while they were preparing for a general revolt; and that their rebellious war was manifestly carried on for the purpose of establishing an independent empire." Contumely so unwise and undeserved, served but to confirm the scrupulous in America, in the course of resistance—removing the faintest hope of redress by the humble and pacific means of petition and remonstrance.

Whilst resorting to arms, respect for the opinions of their fellow subjects induced congress to make an exposition of their motives in addresses to the inhabitants of Great Britain, to the people of Ireland, and to the assembly of Jamaica. They also published a declaration to the world, setting forth the necessity of assuming arms, and recapitulating the injuries they had sustained. "We are," they said, "reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery."

General Washington, immediately after his appointment to the chief command, repaired to the army before Boston. With incredible difficulty he was enabled to maintain a show of force, which confined the British troops to that town from the month of June, 1775, until the month of March follow-

ing, when the Americans, having seized and fortified Dorchester heights, which overlooked and commanded the place, general Howe, who had succeeded general Gage,* abandoned it, and sailed with his command for Halifax.

The capture of Ticonderoga had opened the gates of Canada, and the impetuous spirit of colonel Arnold was eager to enter them. At his instance congress resolved to invade that province, and from the unprepared state of its defence, and the friendly disposition of its inhabitants, well founded hopes were entertained of success. This step, which changed the character of the war from defensive to offensive, was justified by the obvious propriety of depriving the enemy, for such the parent state was now considered, of the means of assailing the colonies from that quarter. The command of this enterprise was given to generals Schuyler and Montgomery. The former, however, soon retired, in consequence of ill health. The latter, with a force of one thousand men, having captured the fort at Chambleé, and the post of St. Johns, proceeded to Montreal in despite of the opposing efforts of general Carlton, governor of the province; and, having obtained at this place many necessary supplies, he led his gallant little army to the walls of Quebec.

During the progress of general Montgomery, colonel Arnold, with boldness and perseverance rarely surpassed, conducted a detachment to the St. Lawrence, by an unexplored course along the Kennebeck and Chaudiere rivers, through a trackless desert of three hundred miles. His force originally consisted of one thousand men, one-third of whom were compelled to return by the want of necessaries. The remainder persevered with unabated resolution, surmounting every obstacle of mountain and forest, progressing at times not more than five miles a day, and so destitute of provisions, that some of the men ate their dogs, cartouch boxes, breeches and shoes. When distant a hundred miles from any habitation, their whole store was divided, yielding only four pints of flour per man, and after having baked and eaten their last morsel, they

* October 10.

had thirty miles to travel before they could expect relief. After a march of thirty-one days, they reached the inhabited parts of Canada, where they were kindly received, and their wants supplied by the astonished natives.

Before Montgomery attained Montreal, Arnold had reached Point Levy, opposite Quebec; and had it been possible for the latter to cross the St. Lawrence, that important place would probably have been immediately surrendered by the astounded and affrighted garrison. But the want of boats occasioned an indispensable delay of a few days, and the inhabitants, English and Canadians, alarmed for their property, united for its defence.

The prospects of the Americans, however, were cheering. The inhabitants of Canada, many of whom were from the colonies of New England and New York, were friendly to the colonial cause, and excited by the wisdom and humanity of general Montgomery, gave the most efficient aid. The united American forces laid siege to Quebec, but the paucity of their number forbade any just expectations of reducing the place, unless by a *coup de main*. General Montgomery was induced, by various considerations, to attempt it by storm. The depth of winter was approaching; dissentions had arisen between Arnold and his officers; the specie of the military chest was exhausted, and the continental bills were uncurrent; the troops, worn by toil, were exposed to the severities of the season; the term for which many had enlisted was near expiring, and their departure for home was apprehended; and the brilliant success that had hitherto attended them had excited hopes, which their high-spirited and enthusiastic commander dreaded to disappoint. He was not unaware of the danger and hazard of such an attempt. Governor Carlton, who commanded in Quebec, was an experienced and able soldier; and the garrison, provided with every thing necessary for defence, daily acquired firmness. But success had often crowned adventures more hopeless than that which he proposed; and the triumph of Wolfe on this very field, taught him, that to the brave and resolute, difficult things were not impossibilities.

The escalade of the town was made with a force of less than eight hundred men.* Two feints were directed, one by colonel Livingston, at the head of his regiment of Canadian auxiliaries, the other by major Brown; the principal attacks were conducted by Montgomery and Arnold, in person. The former advancing against the lower town, had passed the first barrier, and was preparing to storm the second, when he was killed by the discharge of a cannon fired by the last of its retreating defenders. His death so dispirited the assailants, that colonel Campbell, on whom the command devolved, thought proper to draw them off. Arnold, at the head of about three hundred and fifty men, with irresistible impetuosity, carried a two gun battery; but in the conflict receiving a wound from a musket ball, which shattered his leg, he was compelled to quit the field. His party continued the assault, and mastered a second barrier. But after a contest for three hours with the greater part of the garrison, finding themselves hemmed in, without hopes of success, relief, or retreat, they yielded themselves prisoners. This issue, so unfortunate for the colonists, relieved the town from all apprehensions for its safety, the invaders being so much weakened as to be scarce competent to their own defence. Arnold encamped at three miles distance from Quebec, and maintained his position amid many difficulties and great privations, until the spring, when he was joined by reinforcements.

The fall of general Montgomery was deplored by friends and foes. He was an Irishman by birth, and though scarce thirty-eight years of age, was a veteran soldier. He had shared in the labours and triumph of Wolfe, was distinguished for talent and military genius, blessed with a mild and constant temper, and dauntless courage; the highest honours of his profession awaited him in the British service. These he abandoned for the enjoyments of domestic happiness in the country of his adoption. But devoted to freedom, he engaged enthusiastically in defence of the American cause, and by his early successes in the Canadian campaign, induced the highest anticipations of future greatness. In parliament his

* December 31.

worth was acknowledged, and his fate lamented; the minister himself joined in his praise, whilst condemning the cause in which he fell, and concluded his involuntary panegyric, in the language of the poet, crying, "Curse on his virtues, they've undone his country." In congress he was mourned as a martyr to liberty, and by their direction a marble monument, of beautiful simplicity, with emblematical devices, has been erected to his memory, in front of St. Paul's church, New York.

Pursuant to the recommendation of congress, the assembly of Pennsylvania authorized the enlistment of a battalion of eight companies for the continental service, and nominated John Bull, colonel; James Irwin, lieutenant-colonel; and Anthony J. Morris, major.* The house also resolved by the casting vote of the speaker, to levy fifteen hundred men for the defence of the province, to be engaged until the first of January, 1778; subject, however, to be discharged at any time on the advance of a month's pay. These troops were divided into three battalions, two of riflemen, and one of infantry. The riflemen were formed into a regiment, and placed under the command of Mr. Samuel Miles, a distinguished member of the assembly, with the rank of first provincial colonel. James Piper was appointed lieutenant-colonel, and Ennion Williams major of the first battalion, and Daniel Broadhead lieutenant-colonel, and John Patton major of the second battalion. Mr. John Cadwallader was nominated colonel, and Mr. James Potts major of the infantry battalion. But Mr. Cadwallader having applied for the command of the first battalion, refused to accept the commission tendered to him, and it was subsequently given to Mr. Samuel Atlee.

Whilst the colonies openly resisted the authority of their

* Captains.—William Allen, jr. Jonathan Jones, William Williams, Josiah Harman, Marien Lamar, Thomas Dorsey, William Jenkins, and Augustus Willet. Lieutenants—Benjamin Davis, Samuel Watson, Jacob Ashmead, Peter Hughes, Adam Hubley, John Reece, Frederick Blankenburg, Richard Stanley. Ensigns—Roger Steiner, Philip Clumburg, jr. Jacob Zeigler, George Jenkins, Christian Stoddle, Thomas Ryerson, William Moore, and Amos Wilkinson.

king, and strove to conquer by their arms a province which had no participation in their grievances, they continued to administer the civil government in his majesty's name.

This inconsistency served to distract the patriotic with doubts, and to paralyze their energies, and congress hastened to correct it. They declared, that his Britannic majesty, with the lords and commons, had, by act of parliament, excluded the United colonies from the protection of the crown; that, not only had their humble petition for redress and reconciliation been received with disdain, but the whole force of the kingdom, aided by foreign mercenaries, was about to be exerted for their destruction; that, therefore, it was irreconcilable with reason and good conscience for the colonists to take the oaths for supporting any government under the crown of Great Britain; and it was necessary that the exercise of every kind of authority under the crown should be suppressed, and that all the powers of government should be exercised by the people of the colonies for the preservation of internal peace, virtue, and good order, and the defence of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies. For these purposes congress resolved, "That it be recommended to the respective assemblies and conventions of the United colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinions of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."*

This was virtually a declaration of independence. It was such almost in terms. The renunciation of allegiance to the British crown, and the establishment of governments by the authority of the people, were made certainly with no hope of reconciliation, nor desire of re-union with the parent state. When Massachusetts asked advice of congress on the propriety of "taking up and exercising the powers of civil government,"† they recommended such regulations only as

* May. † June, 1775.

were indispensable, and those to be conformed as nearly as possible to the spirit of their charter; and to endure no longer than until a governor of his majesty's appointment should consent to govern the colony according to that instrument. This was in perfect accord with the professions of the colonies of respect and attachment, and dependence on Great Britain. But the resolution now adopted spoke not of limitation to the powers to be assumed by the people, neither as to their nature nor duration.

The preamble to the resolution, containing the reasons for its adoption, denied that the people, with good conscience, could take the oaths to *any* form of government under the crown, and required the suppression of every species of authority claimed by it; but the resolution itself recommended the adoption of a new form of government, where none sufficient for the exigencies of present affairs had been established. Hence it became a question in Pennsylvania, and especially with her assembly, whether congress designed that a change should be made in her government, which one party declared "sufficient for the exigencies of their affairs;" and whether the assembly, or some other body, should make the alteration, if any were deemed necessary.

In seeking redress from British taxation, and denying to parliament the right for its unlimited exercise, great unanimity had prevailed in Pennsylvania. The old proprietary and popular parties forgot their animosities, and united to oppose a common oppression. Whilst bound with the band of loyalty to the king, this union appeared indissoluble, but when armed, resistance became necessary, still more after it had commenced, strong repulsive qualities discovered themselves in the mass. The Quakers, opposed to every form of war, and strongly attached to the parent state, and to their church, and family connexions therein, shrunk with deep sensibility from the unnatural contest, and with horror from permanent separation and independence. The proprietaries and proprietary officers, their dependents and connexions, embracing a large proportion of the wealthy and distinguished of the province, beheld in a change of government the loss of official emolu-

ment and influence. The great body of the people, however, led by enterprising spirits, who were not only impatient of oppression, but who saw even in the vicissitudes of war the excitement they loved, and in independence successfully maintained, bright visions of glory and wealth, hailed with rapture the recommendation of congress to take the first irrevocable step towards political emancipation.

For these parties names were borrowed from English politics. The devotees of American freedom and independence assumed the title of *whigs*, whilst they designated their opponents by that of *tories*.

Within a few days after congress had recommended the formation of new governments, the whigs assembled in town meeting, at Philadelphia, resolved,* "That the present assembly not having been elected for the purpose of forming a new government, could not proceed therein, without assuming arbitrary power: That a protest be immediately entered by the people of the city and county of Philadelphia against the power of the house to carry into execution the resolve of congress: That a provincial assembly, elected by the people, be chosen for that purpose: That the present government of the province was not competent to the exigencies of its affairs; and that the meeting would abide by these resolutions, be the consequences what they might.†"

In the protest adopted by the meeting, and presented to the assembly, the qualification of the latter to form a new constitution was denied, inasmuch as its chartered power was derived from their mortal enemy, the king, and its members elected by persons in the real or supposed allegiance of the crown, to the exclusion of many whom the late resolve of congress had rendered electors; and the assembly was in the immediate intercourse with a governor bearing the king's commission, his sworn representative, holding, and by oath obliged to hold official correspondence with his ministers, from which oath the people could not absolve him. "As we mean not," continued the protestors, "to enter into any

* May 20. † Of this meeting, Daniel Roberdeau was chairman.

altercation with the house, we shall forbear enumerating the particular inconsistencies of its former conduct, and content ourselves with declaring that as a body of men, bound by oaths of allegiance to our enemy, and influenced as many of its members are, by connexion with a pecuniary employment under the proprietary, we have very alarming apprehensions that a government modelled by them would be the means of subjecting us and our posterity to greater grievances than any we have hitherto experienced."

The protestors did not object against the house exercising its accustomed powers for the safety and convenience of the province, until a constitution founded on the authority of the people should be finally settled by a convention elected for that purpose, and until the proper officers and representatives should be chosen. For this purpose they declared their intention to apply to the committee of inspection and observation of the city and liberties, whose services, they said, on all occasions, had been applied to the support of the rights of the people, to call a conference of committees of the several counties, that they might direct the election of a provincial convention, consisting at least of a hundred members. "We are fully convinced," they concluded, "that our safety and happiness, next to the immediate providence of God, depends on our compliance with, and firmly supporting the resolve of congress, that thereby the union of the colonies may be preserved inviolate."

The change of government, however, was earnestly opposed by many of the most respectable inhabitants. The committee of inspection and observation for the county of Philadelphia, presented an address to the assembly, declaring their satisfaction, in expressing their sentiments to the constitutional representatives of the province—their concern, that the ground of opposition to ministerial measures was totally changed—that, instead of forwarding a reconciliation with the parent state, on constitutional principles, a system had been adopted by some persons in the city and liberties, tending to a subversion of the constitution—and advising, that the assembly should religiously adhere to the instructions

given to their delegates in congress; and they earnestly entreated, that the assembly would, to the uttermost of their power, oppose the changing or altering in the least, their invaluable constitution, under which they had experienced every happiness, and in support of which there was nothing just or reasonable they would not undertake.*

Many of the inhabitants of the city and county of Philadelphia, and other counties of the province, remonstrated against the protest—because the resolution of congress, on which it was based, applied to such colonial governments only as were insufficient to the exigencies of their affairs; and, by that resolution, congress, who had never interfered with the domestic policy of the colonies, had left the representatives of the people sole judges of the efficiency of their governments—because the protest proposed a measure tending to disunion, and to damp the zeal of multitudes, who, having a high veneration for their civil and religious rights, as secured by charter, never conceived when they engaged, among other things, for the support of the charter rights of another colony, that they would be required to sacrifice their own—and because whatever temporary alteration in forms, circumstances might render expedient, could be effected by authority of the assembly, six parts in seven of that body having power to change the constitution. In conclusion, the remonstrators recommended to the assembly the example of South Carolina, which, when impelled by necessity, had adopted temporary regulations, to endure until "an accommodation of the unhappy differences between Great Britain and America could be obtained;" an event, though traduced and treated as rebels, they still professed earnestly to desire.

But these attempts to arrest the progress of the province towards independence, were too feeble to resist the energy of the whigs. Whilst their opponents were supplicating the

* Names of the committee of Philadelphia county:—colonel Henry Hill, colonel Robert Lewis, Dr. Enoch Edwards, colonel William Hamilton, colonel John Bull, colonel Frederick Antes, major James Potts, major Robert Lollar, Joseph Mather, Matthew Brooks, and Edward Bartholomew.

assembly to preserve their charter, and their dependence on Great Britain, they were stripping that assembly of every power. Pursuant to the resolutions of the town meeting, the committee of inspection for the city and liberties communicated to the committees of the several counties the proceeding of that meeting, and invited them to meet in a provincial convention; and, the more speedily to break every tie between them and the king, they endeavoured to prevent the administration of justice in his majesty's name, by requesting the judges of the several county courts to suspend business until a new government should be formed.

The provincial conference, composed of one hundred and eight members, assembled at Philadelphia on the eighteenth of June, and chose colonel Thomas M'Kean president, colonel Joseph Hart vice-president, and Jonathan B. Smith and Samuel C. Morris secretaries. The counties being unequally represented, it was determined that each should have a single vote. This body, highly respectable by the number and character of its members, resolved unanimously, That they fully approved of the resolution of congress, recommending a modification of the colonial governments: that the present government of the province was incompetent to the exigencies of its affairs; and that a provincial convention should be called for the express purpose of forming a new one: that such convention should consist of eight members from each county; elected by persons then qualified to vote for members of assembly, and by the military associators, being freemen of twenty-one years of age, resident in the province one year immediately preceding the election, who had paid or been assessed for a provincial or county tax; exempting, however, the inhabitants of the county of Westmoreland from the last condition, as they had for the preceding three years been exonerated from the payment of taxes: that every person who had been published by a committee of inspection, or the committee of safety, as an enemy to the liberties of America, and had not been restored to the favour of his country, should be excluded from the exercise of the elective franchise: that every elector, if required, should take an oath

or affirmation, that he did not hold himself in allegiance to George the third, and would not by any means oppose the establishment of a free government within the province, by the convention about to be chosen, nor the measures adopted by congress against the tyranny of Great Britain: that any person qualified to vote for members of assembly might be chosen to the convention, provided he had been a resident for one year preceding his election, in the city or county for which he was elected, and should, before he took his seat, make and subscribe the following declaration of faith: "I do profess faith in God the Father, and in Jesus Christ, his eternal son, the true God, and in the Holy Spirit, one God, blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine inspiration:" and should also take the following oath or affirmation: "I do declare, that I do not hold myself bound to bear allegiance to George the third, king of Great Britain, &c., and that I will steadily and firmly, at all times, promote the most effectual means, according to the best of my skill and knowledge, to oppose the tyrannical proceedings of the king and parliament of Great Britain against the American colonies, and to establish and support a government in this province on the authority of the people only, &c.; that I will oppose any measure that shall or may in the least interfere with, or obstruct, the religious principles or practices of any of the good people of this province, as heretofore enjoyed."(1) And, to render the elections convenient to the people, the conference divided the province into proper districts, and appointed the necessary judges.

The following short and temperate address to the people, reported by Messrs. Benjamin Rush, M'Kean, Hill, and Smith, was unanimously adopted.

"Friends and countrymen—In obedience to the power we derived from you, we have fixed upon a mode of electing a convention to form a government for the province of Pennsylvania under the *authority of the people.*

(1) See Note 2 T, Appendix, for the names of the members of this conference.

"Divine Providence is about to grant you a favour, which few people have ever enjoyed before, the privilege of choosing deputies to form a government under which you are to live. We need not inform you of the importance of the trust you are about to commit to them. Your liberty, safety, happiness, and every thing that posterity will hold dear to them, to the end of time, will depend upon their deliberations. It becomes you, therefore, to choose such persons only, to act for you, in the ensuing convention, as are distinguished for wisdom, integrity, and a firm attachment to the liberties of this province, as well as to the liberties of the United colonies in general.

"In order that your deputies may know your sentiments as fully as possible upon the subject of government, we beg that you would convey to them your wishes and opinions upon that head immediately after their election.

"We have experienced an unexpected unanimity in our councils, and we have the pleasure of observing a growing unanimity among the people of the province. We beg that this brotherly spirit may be cultivated; and that you would remember that the present unsettled state of the province requires that you should show forbearance, charity, and moderation to each other. We beg that you would endeavour to remove the prejudices of the weak and ignorant respecting the proposed change in our government, and assure them that it is absolutely necessary to secure property, liberty, and the sacred rights of conscience to every individual in the province.

"The season of the year, and the exigencies of our colony, require despatch in the formation of a regular government. You will not therefore be surprised at our fixing the day for the election of deputies so early as the eighth of next July."

On the very day* that congress adopted the resolution recommending to the colonies to change their forms of government, the convention of Virginia resolved unanimously, that their delegates in congress should propose to that body to

* 15th May.

declare the United colonies free and independent states, absolved from all allegiance to or dependence on the king and parliament of Great Britain. The delegates in congress from Pennsylvania, by their instructions of the ninth of November, 1775, were expressly commanded to resist this measure, as they had been to oppose every proposition for changing the form of the colonial government. From this restriction they were, however, released by a resolution of the assembly, adopted at the instance of some petitioners from the county of Cumberland, authorizing them* "to concur with the other delegates in congress in forming such further contracts between the United colonies, concluding such treaties with foreign kingdoms and states, and adopting such other measures, as, upon a view of all circumstances, shall be judged necessary for promoting the liberty, safety, and interests of America; reserving to the people of this colony the sole and exclusive right of regulating its internal government and police." The reluctance with which the assembly granted this authority is demonstrated by their concluding observations. "The happiness of these colonies," they said, "has, during the whole course of this fatal controversy, been our first wish; their reconciliation with Great Britain our next. Ardently have we prayed for the accomplishment of both. But if we must renounce the one or the other, we humbly trust in the mercies of the Supreme Governor of the universe, that we shall not stand condemned before his throne, if our choice is determined by that overruling law of self-preservation, which his divine wisdom has thought proper to implant in the hearts of his creatures." The committee which reported these instructions consisted of Messrs. Dickenson, Morris, Reed, Clymer, Wilcocks, Pearson, and Smith.

In imitation of the example of the convention of Virginia, the Pennsylvania conference also adopted a declaration of their willingness to concur in a vote of congress to declare the United colonies free and independent states. And they adopted measures for organizing six thousand militia, the

* June 14.

number assigned to Pennsylvania by congress as her quota of ten thousand militia, who were directed to form a flying camp for the middle colonies. The assembly had endeavoured to effect this object, but from the continued absence of their members, were compelled to declare their inability.

The public mind throughout America was now fully prepared for a declaration of independence. The assemblies of Maryland, Pennsylvania, and New York, which had displayed the greatest reluctance, and forborne the longest, had now assented to this measure. The proposition was made in congress on the seventh of June, by Richard Henry Lee, of Virginia, and seconded by Mr. John Adams, that the "United colonies are, and of right ought to be, free and independent states; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved." This resolution was referred to a committee of the whole congress, where it was daily debated.

In favour of independence, Messrs. Lee and Adams were the most distinguished speakers, the latter of whom has been characterized as the "ablest advocate" of the measure; and their most formidable opponent was Mr. John Dickenson. The former earnestly appealed to the passions and the reason of their audience. They endeavoured to excite the love of fame by anticipations of the splendid rays of glory which would illustrate the memories of the founders of the first American empire—to arouse their indignation by recapitulating the injuries they had sustained, and their fruitless efforts to obtain redress, and to alarm their fears, first for their own safety should they be subjugated and exposed to the vengeance of the ministry, and secondly, for their country, whose corruption and degeneracy would be assured when chained to the destinies of Great Britain. They descanted on the inconsistencies of their present situation, in which their military officers commanded neither respect nor obedience, and their soldiers were destitute of confidence and zeal. Thus enfeebled at home, they would be disregarded abroad, and though foreign nations would gladly avail themselves of the advantages of an unrestricted commercial intercourse with

independent America, and would promptly coalesce with her to reduce the extravagant and insolent power of Britain, yet they would disdain a union with rebellious subjects, whose slavish fears procrastinated the assumption of that place in the community of nations, which God and nature had destined for them, and towards which their way was now open and direct. Let independence be proclaimed, a new and lofty spirit would animate the people to the most daring deeds, and give them fortitude to endure the greatest misfortunes. The civil power would be steadily and consistently exercised, the army would become confident, patient, and obedient, and foreign nations, undeterred by fears of reconciliation between Great Britain and America, would freely give their aid.

"Why, then," it was said, "do we hesitate to give being to the American republic? Let her arise, not to devastate or conquer, but to re-establish the reign of peace and the laws. The eyes of Europe are upon us. She demands of us a living example of freedom, that may contrast by the felicity of the citizens with the ever increasing tyranny which desolates her shores. She invites us to prepare an asylum where the unhappy may find solace, and the persecuted repose."*

In replying to these views, Mr. Dickenson endeavoured to allay the excitement which the advocates of independence had produced. He deprecated the unfortunate influence of popular feeling in seasons of public commotion, when, as he contended, the party of wisdom and equity would commonly be found in the minority. He condemned the course of proceeding in congress as tumultuous, designed to coerce the opinions of the members, and to drive them precipitately to the most serious and important decisions. "Prudence," he said, "required that they should not abandon certain for uncertain objects. Two hundred years of happiness, and present prosperity, resulting from English laws, and the union with Great Britain, demonstrated that America could be wisely governed by the king and parliament. It was not as independent, but as subject states, not as a republic, but as a monarchy, that the

* Botta.

colonies had attained to power and greatness. What then," he exclaimed, "is the object of these chimeras hatched in the days of discord and war? Shall the transports of fury sway us more than the experience of ages, and induce us to destroy, in a moment of anger, the work which had been cemented and tried by time? The restraining power of the king and parliament was indispensable to protect the colonies from disunion and civil war; and the most cruel hostility which Britain could wage against them, the surest mode of compelling obedience, would be to leave them a prey to their own jealousies and animosities. For, if the dread of English arms were removed, province would rise against province, city against city, and the weapons now assumed to combat the common enemy would be turned against themselves.

"Necessity would then compel them to seek the tutelary power they had rashly abjured: and, if again received under its ægis, it would be no longer as freemen, but as slaves. In their infancy, and without experience, they had given no proof of ability to walk without a guide; and, judging of the future by the past, they must infer, that their concord would not outlive their danger. Even when supported by the powerful hand of England, the colonists had abandoned themselves to discords, and sometimes to violence, from the paltry motives of territorial limits, and distant jurisdictions: what then might they not expect, when their minds were heated, ambition roused, and arms in the hands of all.

"If union with England gave them means of internal peace, it was not less necessary to procure the respect of foreign powers. Hitherto, their intercourse with the world had been maintained under the name and arms of England. Not as Americans—a people scarce known—but as Englishmen, they had obtained entrance and favour in foreign ports: separated from her, the nations would treat them with disdain, the pirates of Europe and Africa would assail their vessels, massacre their seamen, or subject them to perpetual slavery."

Mr. Dickenson admitted, that the proceedings of the British ministry had, for twelve years, savoured strongly

of tyranny; but, he asserted, that the nation already repented its course, and was prepared to retrace its steps; that the troops poured on the American shores, were not designed to establish tyranny, but to compel the colonies to subscribe conditions of accommodation. He treated as chimerical the suggestion, that the British government had determined to erect a despotism in America; since her distance from the seat of government, and the nature of the country, and character of her people, would induce the ministry to found their power on moderation and liberty, rather than on rigour and oppression. He insisted, that an uninterrupted succession of victories and triumphs could alone constrain England to acknowledge American independence, and hope of this was denied by the instability of fortune: if she had smiled at Lexington and Boston, she had frowned at Quebec, and on the campaign in Canada.

He contended, that, by changing the object of the war, the union of the people would be destroyed: all could see the necessity of opposing the pretensions of ministers, but not that of fighting for independence. By seeking the dismemberment of the empire, instead of the revocation of obnoxious laws, they would justify the ministers, merit the name of rebels, and arm the whole British nation against them. He derided the hope of assistance from foreign nations, who were too deeply interested in the maintainance of peace and tranquillity in their own colonies, to countenance rebellion, even in those of an enemy: and could their assistance be purchased, it must be bought too dearly, by large territorial sacrifices, by surrender of the fisheries, and the most important rights of navigation.

The advantages of a republican form of government had been strongly urged, among the reasons for declaring independence. Forbearing to inquire what form of government ought to be preferred, Mr. Dickenson insisted that the English had found repose in monarchy only: that in popular republics, themselves, monarchical power was so indispensable to cement society, that it had been invariably introduced, under some title or other: that, in the English constitution,

which was the fruit of all anterior time, this power was so tempered, that the monarch was restrained from seizing absolute power, whilst the people were preserved from anarchy. In America they would have to dread, should the counterpoise of monarchy be removed, that the democratic power would prostrate all barriers, and involve the state in ruin, and that then they should fulfil the destiny of all ill-balanced democracies, by some ambitious chieftain seizing the reins of government, and annihilating liberty for ever.

Happily, these prophetic denunciations of a sincere but timid patriot have not been fulfilled. He lived to discover that his fears were groundless, and to aid in founding a system of government, which has insured union, freedom, and tranquillity at home, and a just and sincere respect abroad.

On the first day of July, a vote in committee of the whole was taken in congress, upon the resolution declaratory of independence. It was approved by all the colonies except Pennsylvania and Delaware. Seven of the delegates from the former were present, of whom four voted against it. Mr. Rodney, one of the delegates from the latter, was absent, and the other two, Thomas M'Kean and George Read, were divided in opinion, M'Kean voting in favour, and Read against the resolution. At the request of a colony, the proposition, having been reported to the house, was postponed until the next day, when it was finally adopted and entered upon the journals.*

Pending the consideration of this important question, a committee, consisting of Messrs. Jefferson, John Adams, Franklin, Sherman, and R. R. Livingston, was appointed to prepare a declaration of independence. Mr. Adams and Mr. Jefferson, were appointed a sub-committee, and the original draft of this eloquent manifesto was made by Mr. Jefferson. It was adopted by the committee without amendment, and reported to congress on the twenty-eighth of June. On the fourth of July, having received some alterations, it was sanctioned by the vote of every colony.†

* Journals. † Ibid.

Two of the members from Pennsylvania, Morris and Dickenson, were absent; Franklin, Wilson, and Morton, voted for, and Willing and Humphrey against it. To secure the vote of Delaware, Mr. M'Kean sent an express for Mr. Rodney, who, though eighty miles from Philadelphia, arrived in time to unite with him in the vote.*

The declaration was directed to be engrossed, and, on the second of August, 1776, was signed by all the members then present, and by some who were not members at the time of its adoption. Among the latter were colonels George Ross and James Smith, Dr. Benjamin Rush, George Clymer, and George Taylor, who had been elected by the Pennsylvania convention, in the place of Messrs. Dickenson, Willing, Humphries, Biddle, and Allen, who had opposed it.

The transition of public feeling, from devoted loyalty, to the invincible desire of independence, appears to have been suddenly effected. But the contemptuous refusal of the king to answer the last petition of congress, and the hostile measures adopted by parliament, had destroyed, not only the hope, but even the desire, of reconciliation. Insult had been added to oppression. A spirited and enlightened people, possessing wealth, and familiar with the use of arms, could not hesitate to disclaim allegiance which fettered their energies, and degraded them in their own eyes, and in the estimation of the world. Had there existed, however, no other causes of jealousy and dislike to the parent state, than the late revenue laws, and the means used to enforce them, the declaration of independence would probably have been deferred, and more reluctantly made. But, in truth, Anglo-America had, almost unknown to herself, grown into a separate nation. Her interests were not only no longer identified with those of Great Britain, but had become distinct and opposed to her policy. That policy, with the most unfeeling disregard for colonial welfare, had, by many laws, circumscribed the industry and enterprise of the provinces in arts

* Pitkin's U. S. Niles' Reg. vol. 12, p. 305.

and manufactures, and debarred them from the profits justly due to their commercial skill and capital. These restrictions, had not means been found to evade them, would have produced a crisis like that in which the colonies now struggled: they had been deeply felt before the late war with France, but complaints were suppressed, from a sense of inability successfully to resist. Like the fires of a volcano, the indignation of the colonists glowed secretly but intensely, acquiring new force daily, and awaiting only some extraneous influence to produce eruption. The war had taught the provinces to appreciate their wealth and military power, and the means to use them; and had accustomed the people to bear taxation for their defence. With this knowledge, the spirit of the colonists had risen, and their complaints were more freely uttered; and now, when called to resistance by every patriotic feeling, they relied with confidence on resources which had been thus developed. These were displayed in the most advantageous lights by able, zealous, and eloquent writers, through newspapers and pamphlets, amongst whom Thomas Paine was eminently distinguished. This author, under the name of "Common Sense," addressed the people in a style adapted to all capacities: he excited the enmity of the religious against a kingly government, by quotations from the Old Testament; animated the proud and the ambitious, by contrasting the narrow island of Great Britain and her present power, with the broad continent of America and its future greatness; and satisfied all, by the most specious arguments, of the advantages and practicability of independence.

The convention for forming a constitution for the state of Pennsylvania, met at Philadelphia, on Monday, the fifteenth of July, and elected Dr. Benjamin Franklin president, colonel George Ross vice-president, John Morris secretary, and Jacob Garrigues assistant-secretary. By solemn resolution, they directed Divine service to be performed before them, by the reverend William White, since bishop of Pennsylvania; and, offering to Almighty God their praises and thanksgivings for the manifold mercies, and the peculiar interposition

of his special providence, in behalf of the injured and oppressed United States, they prayed for his divine grace and assistance in the important and arduous task committed to them.(1)

From the instant of its organization, the convention assumed the whole political power of the state. Among its first acts, was the appointment of delegates to congress,* and the preparation of their instructions. They were enjoined constant and punctual attendance in congress—to cultivate and strengthen the union of the states, until a just, equal, and perpetual confederation should be effected—to use their utmost power and influence for the establishment of a navy, which was necessary to every trading nation, and least dangerous and expensive to the liberties of mankind. They were forbidden to enter into any treaty with Great Britain or other foreign power, but as free and independent states—and were permitted, when Great Britain should acknowledge the United States free and independent, to treat with her, in conjunction with the other states, concerning peace, amity, and commerce, on just and equal terms.

The great labour of forming the constitution was not completed until Saturday, the twenty-eighth day of September. On that day it was read in convention for the last time, signed by the president and every member, and committed to the charge of the council of safety, with directions to deliver it to the general assembly of the state, at their first meeting, immediately after they should have chosen their speaker. The history of the formation of that instrument, and exposition of its character, does not fall within the limits allotted for this volume.

The power of the assembly had been in a great measure taken away by the conference, and was, as already mentioned, wholly assumed by the convention. The people had

(1) For the names of the members of convention, see Note 2 U, Appendix.

* Names of delegates: Messrs. Franklin, Morton, Morris, Wilson, George Ross, James Smith, Benjamin Rush, George Clymer, and George Taylor, esqrs.

become suspicious of the design of many of its members, and impatient of the olden forms. The military association of the city and liberties of Philadelphia, by its board of officers, and committee of privates, openly denied its power, and protested against its exercise in the nomination of brigadier-generals of militia, whose appointment by the colony had been recommended by congress. In their protest, the board of officers preserved regard for decorum; but the privates reproached the assembly with the religious sentiments of the Quaker members, and with devotion to Great Britain. This was unjust: for though many members of the house wanted that ardent zeal which distinguished the leading patriots, the resolutions of congress were always carried into effect, so far as the assembly possessed the means.

On the fourteenth of June, the house adjourned to the twenty-sixth of August: in the meantime independence was declared: when the day to which the house stood adjourned had arrived, a quorum did not appear; and, after two days, they adjourned until the twenty-third of September. On that day, a quorum assembled, but no other business was done, save reading and approving the report of the committee on public accounts, and reprobating certain ordinances passed by the convention—imposing a state tax, and a contribution from non-associators, and authorizing the arrest and imprisonment of suspicious persons—as assumptions of power, unwarranted by the instructions from the people, and dangerous to freedom: their reprobation was just, for no body, other than the assembly, was vested with such power. The convention was created for the express, and, as may be gathered from the resolutions of the conference, for the exclusive, purpose of framing a constitution. But amid revolutions, as amid arms, the laws are powerless. Ordinary remedies are not applicable to extraordinary cases. Forms, and minor rights, usefully regarded in peace, must yield to the stern exigencies of necessity, requiring instant adaptation of means to resist or avert calamities, which the delays of discussion would make irremediable.

The assembly of the province of Pennsylvania, however, distinguished, for nearly a century, by the love of order and devotion to liberty, expired on the twenty-sixth of September, 1776, breathing remonstrances against the violations of the rights of the people.(1)

(1) For names of members of the assembly and other officers, see note 2 X, Appendix.

## CHAPTER XXII.

Review of the province····Government····How constituted····Legislative powers····Judiciary····Supreme courts···Courts of common pleas····Quarter sessions····Admiralty courts····Land office····Officers of the government····Laws····Derived from England····In relation to personal rights····Naturalization····Freemen and slaves····Servants····Political rights····Religious rights····Relative rights····Laws relative to real estate····Personal estate····Remedies····Preventive and compensatory····Arrest····Forms of action····Trial····Sanction of evidence····Execution····Insolvents····Criminal laws····Merit of Penn in relation thereto····Punishments····Change of criminal code····Religion····Quakers·····Episcopalians····Roman catholics·····Presbyterians····Baptists····Menonists····Dunkards····Swenckfelders····Society of the woman in the wilderness····*Unitas Fratrum* or Moravians····Finance of Pennsylvania····Commerce and manufactures····Literature and science····Early establishment of schools····Printing····College····Philosophical society····Literary men····Mathematics and astronomy····Botany and natural history····Medicine····Moral and natural philosophy····Poetry.

Having completed our history to the period at which Pennsylvania became independent of the parent state, we shall endeavour to present a concise view of her actual condition at that time, in relation to her government, laws, religion, finance, commerce, manufactures, and literature.

I. In framing their governments, the colonists naturally looked for a model in the constitution of England, which they were disposed to copy so far as circumstances would permit. But their situation led them to regard the democratic

portion of that constitution with the greatest favour; and when not restricted by their charters, or controlled by the royal prerogative, they succeeded in their endeavours to circumscribe by narrow limits the powers of their governors. Hence in many of the provinces the royal power was faintly reflected by the king's lieutenants, or the proprietary deputies, and the councils of these officers, sometimes endowed with legislative rights, had little resemblance to the aristocratic branch of the British government. At three thousand miles distance from the throne, its splendours were those of boreal lights, pale, cold, and fanciful, having little influence on the bosoms and business of men. Compelled to rely upon their individual energies, the provincialists appreciated each other by their personal qualities, and contemned the pretensions of mere rank and ostentation. Cut off from intimate association with the mother country, neither asking nor needing her assistance, they exercised their rights as in a state of nature, and in some cases actually formed that original compact which philosophers have fancied the basis of all political society.

Such was emphatically the constitution of Pennsylvania. It is true, she was rendered dependent upon England by those provisions of the royal charter, which reserved the power to repeal her laws, to revise her judicial decrees, and to regulate her trade. But these restrictions for many years bore lightly. Her efforts to promote the public happiness might be disapproved, but not prohibited. If a successful experiment were discouraged by the veto of the king, the province did not forego its prosecution. The charter required the laws to be presented within five years from their enactment for the royal assent. But a convenient negligence sometimes allowed a great part of this time to elapse before presentation; and a happy oblivion occasionally prevented them from ever reaching the royal council. If, when examined, they were disallowed, a modification in some unimportant particular afforded sufficient reason for their re-enactment. The laws forbidding exportation of colonial productions to foreign countries were

rarely enforced, and the colony for two-thirds of a century suffered little actual restraint on its export trade.

Save the restrictions of which we have spoken, the royal charter gave unlimited power to the people for self-government; authorizing "any laws whatsoever for the raising of money for public uses, or for any other end, appertaining either unto the public state, peace or safety of the country, or unto the private utility of particular persons." Under this broad authority the several provincial constitutions of 1681, 1683, 1696, and 1701, were framed. These were termed "charters of privileges granted by the proprietary;" but were, in fact, supreme and fundamental laws, framed by the consent, and with the assistance of the people. The charter of 1701 lodged the legislative power in the assembly and governor, or his lieutenant: In the absence of the governor-in-chief, his *whole* authority devolved upon his substitute. For some years the proprietary claimed to have a voice in legislation, whilst absent from the province; and he instructed his representatives to pass no laws without his assent. This was considered by the people as unconstitutional and oppressive, and was, after repeated struggles, abandoned. But the right to restrain their deputies by general instructions was pertinaciously retained by the proprietaries during the continuance of their power, though opposed by the popular voice, and finally producing an earnest effort to abolish the proprietary government. With other executive powers, the deputy possessed that of appointing to office, and of removing at pleasure, even such officers as were directly appointed by the proprietaries. Of the latter, the case of secretary Logan was a signal instance. William Penn occasionally nominated persons to office when represented by a resident deputy, and directed his appointments to be confirmed under the great seal. After his death, I find no instance of such exercise of proprietary power except in the commissions to Logan.

The right to originate bills belonged to the assembly alone. The governor might recommend such measures as he deemed proper, and might amend or reject bills sent for his approbation. His council, not recognised by the charter of 1701,

had no distinct voice in the government. It was the creature of his pleasure, composed of such persons as he chose to select for his advisers. During the life of William Penn, and his immediate successors, the deputy-governors were directed to follow the recommendations of the council, consisting of the personal friends of William Penn, or of such as were devoted to the interests of the family. Sir William Keith was the first, and perhaps the only governor who openly resisted this subjection.

Before the purchase of Penn, proper and convenient courts were established on the western shore of the Delaware, from which, in important cases, an appeal lay to the governor in council at New York. By the "frame of government" adopted in England in 1682, the governor and council were empowered to erect, from time to time, standing courts of justice, in such places and numbers as they should judge convenient; and the governor was authorized to appoint the judges annually from a dual list presented by the councils. But no courts were established under this power, the proprietor having reserved to himself the first appointments of all officers. By that charter the council might try impeachments presented by the assembly; they assumed, however, in many instances, other judicial authority. This irregularity is extenuated by the consideration, that it was impracticable in that stage of the province, to preserve a proper division of the political powers. By the emendation of the "frame" in 1683, the right of appointing the judges and other officers was reserved to William Penn during his life; but his successors, with the council, were empowered to erect courts, and appoint judges, in the manner provided by the original constitution of 1682. But this power of the council was recognised neither by the charter of 1696, nor by that of 1701.

It was in the power of the assembly at all times to establish the judicature by law, and many contentions arose from their attempts at this object. The great law created the first courts of the province, which were remodelled after the adoption of the charter of 1701, by an act prepared by David Lloyd. This act was repealed by the king in council, probably at the

instance of William Penn, on the suggestion of secretary Logan, that he might erect courts by his proprietary power, or obtain the passage of a law more consonant with his wishes and interests.* And the governor and assembly differing widely in their opinions on this subject, the courts were opened under an ordinance of the former, by which they were continued until the year 1710, when they were established by a law sanctioned by governor Gookin.

This act erected a supreme court, with law and equity sides; courts of common pleas also, with legal and equitable jurisdiction, and courts of quarter sessions, holden by the justices, or any three of them, in the several counties; orphans' courts for protecting the interests of minors, and regulating the affairs of decedents, which had been early established, were new modelled by act of 1712. Courts of oyer and terminer, for the trial of felonies of death, were occasionally holden under commissioners specially constituted. The act of 1710 having been repealed by the king, was supplied by three acts passed in 1715; which, being also repealed in 1719, were followed by the act of 1722, laying permanently the foundations of the colonial judiciary.

By the last act, and the supplement of May, 1767, the equity jurisdiction of the supreme court, and courts of common pleas, was discontinued. The supreme court, consisting of four judges, one of whom was distinguished in his commission by the name of chief justice, and any two of whom might hold the court, was empowered to hold two sessions in bank annually, in the city of Philadelphia; to issue writs of *habeas corpus*, *certiorari*, and writs of error, and all remedial and other writs and process, grantable by virtue of their office. It had appellate jurisdiction over all the inferior courts, in criminal, and in civil cases above fifty pounds in value, and was authorized to administer justice and exercise the powers granted, as fully as the courts of king's bench, common pleas, and exchequer at Westminster might do. The judges were required to go the circuit of the several

* Logan MSS.

counties twice a year, if necessary, to try the issues in fact depending therein, and the circuit courts might be holden by one judge. They were empowered to hold courts of oyer and terminer from time to time. The prothonotary of this court was commissioned by the governor, on the recommendation of the judges, but the prothonotaries and clerks of the other courts were appointed at the pleasure of the governor.

The courts of quarter sessions were holden by the justices of the peace of the respective counties; but the courts of common pleas, by judges specially commissioned for that purpose, usually selected from the justices, three of whom were of the *quorum*.

The act of 1722 was confirmed by an act passed in 1727, except that the supreme court was forbidden to issue process, unless in criminal cases. The latter act was, soon after its enactment, repealed by the king in council.

Appeals were allowed from the supreme and admiralty courts to the king in council, by the act of twenty-eighth of May, 1715, on recognisance given to prosecute the same with effect within eighteen months.

A vice-admiralty court was established in the province by the authority of the crown, for the province of Pennsylvania, and the counties of Newcastle, Kent, and Sussex; and a court of admiralty having jurisdiction, in cases of appeals, from the provinces of New York, New Jersey, Pennsylvania, Maryland, and Virginia.

The disposition of the lands of the province, and the administration of the land-office, though appertaining to the estate of the proprietaries, were so much interwoven with the public and political relations of the colony, that they demand our attention in a political survey.

It is to be regretted that some general and accurate system for the location of lands had not been adopted at the settlement of the province, and undeviatingly continued, thereby avoiding that intricacy in Pennsylvania titles, which has been detrimental to the increase of her population. Unfor-

tunately, no system whatever can be traced in the records of the land office.

By force of the royal charter, William Penn and his successors became undoubted lords of the soil, subject to the duty of extinguishing the Indian title, which justice, humanity, and their contract with their vendees, imposed upon them. They had the right to dispose of lands in such manner, and at such price, as they deemed proper; and the officers of the land office were their agents, controllable by their will. The contract with the first purchasers in some degree qualified this power. Wherever they desired to "*sit* together," and their quantity of land amounted to five thousand acres, they might cast their lot or *township* together; and the appropriation of lands by William Penn, for his proper use, was confined to the reservation, by lot, of ten thousand acres in every hundred thousand, the residue being open to the choice of purchasers. But these qualifications were in favour of the first purchasers only. Subsequently, the proprietary might withdraw from the general mass any lands not previously appropriated to individuals; and his surveyors were instructed to locate for him five hundred acres, in every township of five thousand, in addition to the proprietary tenth of all lands laid out.

The landed interests were confided to "commissioners of the land office," a secretary, receiver-general, auditor-general, and surveyor-general. The commissioners were authorized, from time to time, to purchase lands from the Indians—to grant lands for such sums and quit-rents as they should deem reasonable—to sell such lands as, on a re-survey, were found intervening, concealed, vacant, or surplus—to erect manors, with jurisdictions thereunto annexed. There is no regular account of the grant of lands made prior to the year 1700. Between that time and the year 1767, their number is stated to have been about seven thousand. The usual mode of grant before 1700, was by lease and release of unlocated quantities, to be afterwards surveyed. These deeds were not always recorded.*

* Statement of J. Penn on minutes of council.

The commissioners declined to exercise their power of erecting manors. Nor were *manors*, technically speaking, ever erected in the province; but this name was given to the proprietary tenths, and other large surveys made for their use. It is not probable that manorial courts and customs would have been tolerated by the people.

Generally, all lands were subject to quit-rents, originally reserved to compensate the proprietary for his extraordinary charge in the administration of the government, or, as William Penn subsequently declared, for his maintainance, in case he should fail to receive a public support. The amount of this rent was various. The first purchasers paid one shilling sterling per hundred acres; and lands taken up by, or for, servants, paid four shillings per hundred. Sometimes the rent was a bushel of wheat, or one shilling sterling per hundred acres, which was termed the common rent; but a subsequent and most usual rent was simply one penny sterling the acre.

Inchoate titles to lands were obtained, by procuring from the land office a warrant, authorizing the survey of a designated quantity; by settlement and improvement, whence grew the right of pre-emption; by license, when the peopling of some particular spot was deemed particularly advantageous; or by application for particular lands entered in the books of the land office. When lands were settled and improved, as was the case in a multitude of instances, the improver applied for a warrant for a certain quantity, including his improvement. On payment of two-thirds of the purchase money, a warrant was made out by the secretary of the land office, under the seal of the office, and signed by the commissioner of property, which being recorded in the surveyor-general's office, a copy was sent to a deputy-surveyor, with orders to make a survey. When the survey was made, a draft was returned into the surveyor-general's office, and a certificate entered in the secretary's office; and, upon payment of the remainder of the purchase money, with interest and arrearages of quit-rent, a patent was issued by

the secretary, under the great seal, signed by the commissioners. When a purchase was intended of uncultivated lands, an application was made to the secretary, by filing the *location*, descriptive of the lands, and their situation, which was numbered in the order of the entry. These descriptions, as in the case of warrants, were sent to the surveyor-general's office, whence orders for survey were issued. On returns to these orders, warrants issued from the secretary's office to the surveyor-general, to accept the survey, and certify it to the secretary, who, on payment of the purchase money, granted the patent. In addition to these modes of obtaining titles, every indication of the assent of the proprietaries or their agents to the occupation of lands, gave an equitable right. The uncertain evidences of property, arising from the want of deeds, and registry of claims, occasioned much litigation, and was productive of extensive frauds on the proprietaries, to avoid the payment of interest, or obtain a diminution in the price, when its fluctuation would benefit the purchaser.

The price of lands varied with times and circumstances. Before 1713, the common price was five pounds the hundred acres, and a bushel of wheat, or one shilling sterling, quit-rent. In 1713 it advanced to seven pounds ten shillings. From 1712 to 1715, lands at Oley and Conestoga were sold at ten pounds, and in 1730 at fifteen pounds the hundred; and in some cases at a still higher rate. From 1732, the price was more uniform and steady, at fifteen pounds ten shillings the hundred, and a half penny sterling per acre rent, which continued till the year 1768, excepting a variation about and between the years 1761 and 1763, when warrants were issued at nine pounds the hundred; but the quit-rents were increased to one penny sterling the acre. After 1768, lands obtained from the Indians by the treaty of that year were offered at five pounds per hundred, and one penny per acre per annum quit-rent.

If we include the land office in the political constitution of the colony, the officers of the government consisted of the governor and council, the secretary of the province, who was

ordinarily the clerk of the council, the provincial treasurer, attorney-general, register-general, master of the rolls; the speaker and clerk of the assembly, and agent for the province in Great Britain; the judges of the supreme court, and the judges of the courts of common pleas and quarter sessions, and of the orphans' court; the prothonotaries and clerks of courts, and clerks of the peace; the justices of the peace and officers of inspection; the secretary of the land office; receiver-general and keeper of the great seal; auditor-general and surveyor-general; sheriffs and coroners, elected triennially in the respective counties, and commissioned by the governor from a dual return; two county commissioners for each county, chosen for three years; and six assessors, chosen annually, to estimate, assess, and collect the necessary sums for county purposes, which the commissioners were authorized to disburse according to law; and county treasurers, appointed by the commissioners and assessors. The counties were divided into townships, in each of which the people annually elected one overseer of the highways, who was charged with the repairs of the township roads, and with the levying of the necessary funds therefor; in each township also two overseers of the poor were annually appointed by the magistrates, who were authorized to provide for the poor, and to raise, by tax, the necessary sums for their support.

II. As British subjects, the colonists claimed the laws of England, so far as they were adapted to their circumstances, as their birth-right. The royal charter provided, that "the laws for regulating and governing of property, for the descent and enjoyment of lands, for the enjoyment and succession of goods and chattels, and likewise as to felonies, should continue the same as they should be for the time being by the general course of the law of England, until they were altered by the proprietary and freemen." The power of legislation was therefore almost unlimited. The vague restriction inserted in the charter, that the laws should be "not repugnant, nor contrary, but (so far as conveniently may be,) agreeable with the laws of England," was scarce felt; and certainly was not deemed of much force, since the first laws adopted by the

colony differed widely from those of the parent state. The adaptation of the laws of England to the exigencies of the colony, was a work of slow and uncertain labour. It is an incident of the common law, from its plastic and mutable nature, that the courts charged with its administration should possess extensive legislative power. In a new colony the courts were required to decide in almost every case, whether the law upon which its adjudication was claimed, was suitable to the condition of the province. Hence, the ordinary *legislative* power of the courts was necessarily greatly enlarged, and a distressing uncertainty as to the law must have prevailed, since the law which governed the case was first declared after the case was made.

In the concise review, which we propose of the laws of the province, we shall follow their usual division unto such as relate to persons, to things, and to actions; reserving for separate consideration those which regard crimes and their punishment.

Persons are commonly divided into natural and artificial, or bodies corporate. Natural persons were either subjects or aliens. The latter were converted into subjects by naturalization, by modes which varied at different periods. By the charters of 1683 and 1696, lands purchased by alien inhabitants of the province, dying before naturalization, passed to their wives and children, as in the case of subjects. But this provision was not continued by the charter of 1701, nor supplied by law before the revolution. An act of naturalization was among the first laws of the province. It extended the rights of subjects to "all strangers and foreigners living within the province, holding land in fee according to the law of a freeman, who should solemnly promise, in their respective county courts, within three months from the passage of the act, upon record, faith and allegiance to the king, and full obedience to the proprietary." It provided also, "that when at any time any foreigner should make his request to the proprietary and governor for such freedom, he might be admitted on the conditions above expressed, paying on his admission twenty shillings sterling." This act remained in force until

1700, when it was repealed, among other laws at that period, but was supplied by another act of like tenor, which was also repealed in 1705. In 1691, sixty-four of the first inhabitants of Germantown were naturalized by the existing law, but the same persons were also included in a special act of naturalization passed in 1708. From 1705 to 1740, there appears to have been no general provision on this subject; but special acts were passed from time to time naturalizing the persons named in them. In 1740 a uniform rule of naturalization was introduced into the colonies by act of parliament, declaring that all persons born out of the legiance of the king, residing seven years in a colony, taking the oaths, (or in case of a Quaker, an affirmation,) of fidelity and abjuration, making a profession of christian faith before a judge of the colony, should be taken as natural born subjects. This act of parliament provided for the conscientious scruples, in relation to oaths, of the Quakers only, but its benefits were extended to others having like scruples, in Pennsylvania, by an act of assembly passed in 1742. The act of parliament removed the anomaly which existed before its passage, of persons entitled, in some part of the British possessions, to the full rights of subjects, whilst in others they were deemed foreigners. Thus, before the passage of the act, a German, enjoying the rights of a freeman in Pennsylvania, eligible to every kind of office, and entitled to the same privileges in trade as a natural born subject, would be deprived of all these, by removing to England, or even to a neighbouring colony. For though the power of naturalization exercised by the colonial government was unchecked, whilst it conferred the right of colonial freedom only; the acts pretending to grant the rights of natural born subjects of Great Britain were immediately repealed by the king in council.

Natural persons were again divisable into freemen and slaves. Slavery was tolerated, but never encouraged in Pennsylvania. The protest of the German Quakers of Cresheim, and the reprobation of the practice by the Society of Friends, produced an early aversion to the slave trade, and reluctance to hold slaves. A duty was imposed on their importation

by acts of assembly in 1705 and 1710, rather, it would seem, with a view to revenue, than to inhibit the trade. But an act passed the seventh of June, 1712, was unequivocal in its character; declaring in the preamble the danger of insurrection and murder from a negro population, and the "umbrage of suspicion and dissatisfaction" given to the neighbouring Indians by the importation of Indian slaves, it imposed a duty of twenty pounds per head on every Indian or negro slave imported. But this humane and politic law was soon after repealed by the king in council. None of the aborigines of Pennsylvania were reduced to slavery. It would seem, however, that slaves of the Indian race were imported from Carolina and other places, to prevent which, an act was passed in 1705. The assembly of Pennsylvania earnestly struggled, and not without effect, to rid themselves of this curse, though their efforts were opposed by the spirit of trade, which presided over the English councils, and uniformly rejected the acts passed for that purpose. Yet, as these acts were in force until disallowed, and were renewed as often as they were repealed, the slave trade was always clogged with heavy duties. In 1761 a duty of ten pounds per head on imported slaves was laid, and increased to twenty pounds, by an act passed in 1768, and confirmed and made perpetual by an act of 1773. But the act of 1761 did not pass unopposed. Some of the principal merchants remonstrated against it, declaring their interest in the trade, and pleading its advantages.

Still slavery existed in the province, and was not abolished until after the revolution. Slaves had no political rights, but the laws secured to them humane treatment, and such protection as can be granted to this degraded state. A particular tribunal was established for slaves guilty of crimes, composed of two justices of the peace, and a jury of six freeholders; and the value of slaves comdemned to death was payable from the proceeds of duties on the importation of negroes.

We may with propriety notice here another class of the people who were not freemen. Many valuable individuals were imported into the province as servants, who, in consi-

deration of the payment of their passages, and other stipulations, contracted to serve for a definite period. This class was a favourite of the law. Provision was made by the laws agreed on in England for recording the names, times, and wages of servants; masters were allowed to take up lands for their use, and the servants themselves, after the expiration of their service, were permitted to become land-holders on easy terms; they were provided with sufficient clothing, and implements of labour; they could not be sold out of the province without their consent, and, in case of marriage, husband and wife could not be parted. On the other hand, due care was taken to preserve the rights of the master. Many of the German and Irish settlers were of this class, from whom have sprung some of the most reputable and wealthy inhabitants of the province.

The freemen of the province originally enjoyed every personal right as fully as consists with civil society. By the payment of a tax common to all, they were capable of electing, and being elected to the assembly and council. This right was qualified by the charter of 1696, and by that of 1701, was left to the regulation of law. The act of 1705 unwisely required a proprietary qualification, but it was not oppressive, since the amount of the estate required was attainable by almost every industrious and prudent man in the province. It provided that no one should elect or be elected unless he were a natural born or naturalized subject, above the age of twenty-one years, a freeholder, having at least fifty acres of land, well seated, and twelve acres thereof improved, or were otherwise worth fifty pounds clear estate, and were a resident of the province for two years. This act continued in force until the revolution.

The rights of conscience were sedulously preserved. Every species of religious faith was not only tolerated, but was protected. Some apprehensions of the Roman catholics were occasionally excited, and, at one time, it was proposed in council to enforce the British statutes against them; but that body humanely and wisely refused their assent. The rights of personal liberty, personal security, and enjoyment of pro-

perty, were firmly established, and efficiently protected; the laws of England relative to these subjects having undergone no alteration.

Relative rights, or such as regard the relations of husband and wife, parent and child, and master and servant, were also duly protected. By the law, marriage was a civil contract, the chief ingredients of which were the capacity and assent of the parties. Physical ability, in ordinary cases, created the moral power to enter into this contract; but if justices of the peace or clergymen assisted at the marriage of minors without the assent of parents or guardians, they were punishable by fine, at the suit of the aggrieved party. The law made no general provision for the dissolution of the marriage; and divorce from bed and board was allowed in case of bigamy only, on the request of the first wife or husband, made within one year after conviction. The "laws agreed upon in England" required, that a certificate of the marriage, under the hands of the parties and witnesses, should be registered in the office of the register of the proper county; and there is great reason to regret, that this wise requisition has not been continued and enforced. The same respectable code so often quoted, directed that "all children within the province, of the age of twelve years, should be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want." And when the orphans' courts were established, they were charged with the superintendence of the interests of minors, and the supervision of their apprenticeships.

The laws of the province regulating real estate, differed widely from those of the mother country. The English law of descents, the creature of the feudal system, was never, in its extent, in force in Pennsylvania; but it governed all cases not provided for by the provincial law. The "great law" of 1682 abolished the unjust right of primogeniture, distributed the real estate of an intestate among all his children, and established the right of disposing of it by will, attested by two witnesses. This principle was fully recognised by the laws of 1683; but was modified in 1684, by giving to the

eldest son a double portion. The latter act abolished another unjust canon of the feudal system, by introducing the lineal ascent of estates; directing a moiety to pass to the parents, and a moiety to the governor, where the intestate left no wife, child, brothers or sisters. In 1693, the whole estate, in such case, was given to the parents, and where there were no parents, it was divided equally between the governor and the county treasurer.

But this modification was abandoned by the act of 1705, by which the real estate of an intestate was divided equally among the widow and children, or the survivers of them, as tenants in common: If the land produced rents or annual profits, the widow might claim her dower at common law: If there was a widow, and no children, she took one-half of the estate, and the heir at common law the other; if there were neither widow nor children, or the children died in their minority, the heir at common law inherited. By a supplementary act of 1764, the widow's interest in the decedent's lands was declared to be for life only. By an act passed in 1683, the manner of delivering possession of lands was simplified by directing the possession to follow the delivery of the deed, instead of the old mode of livery of seizen.

Real estate thus unfettered became readily and frequently transmissable, and was rendered more mutable by the simplicity of conveyancing. An effective form of deed, applicable to the ordinary species of estates, contained in few words, was prescribed by a law of 1683. And though this form has been unwisely abandoned, the good sense which dictated it has still preserved much simplicity in our muniments of title.

The enjoyment and security of personal property were absolute. It was transferrable by the modes of bargain, sale, and delivery, usual in England, with the additional facility caused by an act of assembly, making *choses in action*, founded on written evidence, such as bonds, notes, and specialties, assignable, and permitting the assignees to sue in

their own names. An act probably growing out of the necessities of William Penn, which found relief in transferring to creditors the debts due to him from individuals in the province.* About the time of the passage of this act, he proposed that bonds should be made a legal tender in payment of debts. It is difficult to conceive how this proposition could have been reduced to practice; and we believe the suggestion was never acted upon.

Before we enter upon consideration of actions, it will be proper to notice the preventive remedies, which the prudence of our forefathers provided. In these they far outstripped the policy of England, and early attained the goal towards which the English are still slowly struggling. Not content with opening wide the gates, and rendering facile the entrance to the temples of justice, the sage lawgivers of Pennsylvania endeavoured to prevent the ignorance and uncertainty in relation to the titles and incumbrances of property, which cause vexatious disputes and tedious litigation. For this wise purpose, the "laws agreed upon in England," directed the enrolment, within two months after the making, of all conveyances of land, (save leases for a year and under,) and of all bills, bonds, and specialties, above five pounds in value; and the registry of marriages, births, burials, wills, and letters of administration, and the indentures of servants. Had these provisions, in their full extent, been continued, much difficulty now experienced in the proof of marriages, births, and deaths, would have been avoided. Statutes of limitation, emphatically the "statutes of peace," were enacted to quiet antiquated rights; and one other, preventive of litigation, short-lived, though probably useful, directed that the respective county courts should appoint "*three peace makers*," in the nature of common arbitrators, to hear and end differences between man and man.

The law declared, that "all courts should be open; that justice should neither be sold, denied, nor delayed."—"That persons of all persuasions might freely appear in their own

* Logan MSS.

way, and according to their own manner, and there personally plead their own cause themselves, or, if unable, by their friend." But "that before the complaint of any person should be received, he should solemnly declare in court, that he believed, in his conscience, his cause to be just." "That all pleadings, processes, and records, should be short, and in English, and in an ordinary and plain character, that they might be understood, and justice speedily administered." That fees should be moderate, and established by law;* and that justice might be brought to the doors of all, the jurisdiction of justices of the peace, in England confined to the administration of criminal law, should be extended to civil cases, at first not exceeding forty shillings, and, subsequently, to causes of not more than five pounds in value. The first act on this subject, appears to have been made in 1705.

In the law relating to civil actions, there was a singular contrast between the respect for the liberty of the subject, before and after judgment. By the "laws agreed upon in England," the first process was "the exhibition of the complaint in court, fourteen days before the trial; and, that the party complained against, might be fitted for the same, it was required that he should be summoned no less than ten days before, and a copy of the complaint be delivered to him at his dwelling-house." The arrest of the person does not seem to have been contemplated by the lawgiver. But this immunity did not long continue; and arrests were permitted under particular circumstances. By an act of 1705, any person arresting another, was required to be ready on the next day after, with his declaration and evidence, and to give security to pay the charges and damages of the party arrested, should there be no cause of action: persons of known estates, arrested and imprisoned, were detained at their own expense, until security for payment was given, or satisfaction made; and persons without estates could not be confined longer than the second day of the next term after their confinement: they were compellable, however, to make satisfaction by

* Laws agreed on in England.

servitude, according to the judgment of the court—if unmarried, and not above fifty-three years of age, for seven years; if married, and under forty-six years of age, for five years. From this servitude, commercial policy exempted masters of vessels trading to the province from other ports. This barbarous provision, inconsistent with the general humanity of the Pennsylvania law, polluted the statute book, not only during the whole of the colonial government, but until so late a period as 1808. Freeholders were exempted from arrest, but under so many exceptions, that it was always in the power of the creditor to arrest the debtor at his pleasure, where bail for his appearance was refused, or where his estate was encumbered, or his pecuniary ability doubtful—making and filing, however, *before arrest*, a solemn declaration of a subsisting debt.

The forms of action were such as the laws of England provided; but they were not closely pursued. The judges, generally, not professionally educated, were frequently disposed to free themselves from trammels which strict practice imposed; and their consciences sometimes forbade them to administer justice through legal fictions. Thus the fiction of lease entry and ouster, incident to the ancient action of ejectment, was deemed inadmissible. In a case tried in Bucks county, in 1762, a distinguished attorney* refused to plead to the declaration, because he would thereby confess a falsehood, and his refusal was sustained by the court. But this fiction was never abolished by the legislature, although its removal was frequently attempted.

Trial by jury was established by the "laws agreed upon in England," and was at all times sacredly preserved. It might have been expected, that the love of simplicity and economy which suggested the tribunal of "*peace makers*," would have attempted a modification of this cumbrous instrument for testing truth. It is, perhaps, indispensable to a pure and safe administration of justice, that the questions of fact and of law should be determined by different tribunals; that the

* David Lloyd.

tryers of the fact should be occasional, that bribery might not be employed upon them; but it is not obviously necessary, that twelve men should agree upon the statement of an intricate account, determine the deviation of a vessel upon a voyage insured, or the fact of a trespass on land. It may be discovered at no distant day, that a jury of three or five men, whose deliberations shall be directed by a judge, and enlightened by counsel, will prove the most safe, cheap, and expeditious of judicatures. In the administration of the criminal law, the interposition of a jury, as now constituted, cannot be safely dispensed with. Before punishment, the guilt of the accused should be fully established; and it is not exacting too much to require, that it should be made apparent to at least twelve of his fellow citizens.

In the sanction of evidence, the Pennsylvania lawgivers departed widely from the practice of their fathers. All civilized nations, in formal and solemn inquiries, have demanded that the witness should confirm his testimony, by invoking the presence of superior beings, before whom dissimulation was vain, and from whose justice none can escape. Under the Jewish dispensation, the source and origin of our faith, this invocation attended almost every important action of life; but the Finisher of that dispensation having commanded, "Swear not at all," many believers have deemed oaths of every kind unlawful. The Quakers, with that moral courage, and inflexible resolution, which have ever distinguished them, refused under all circumstances to take or administer an oath. This determination deprived them of almost all the benefits of the law. In civil suits, they could neither testify for others, nor obtain witnesses for themselves. In criminal cases, they were injured with impunity. The statutes 7 and 8 Wil. III., attempted, partially, to redress this crying grievance, by permitting them to make a solemn affirmation in the "*presence of God, the witness of the truth.*" But this merely changed the form of the oath; and it was not until the 8 Geo. I., that the present form of affirmation, "I do solemnly, sincerely, and truly, declare and affirm," was established.

The acquisition of Pennsylvania, gave to the Quakers the means of religious liberty, which they hastened to use. By the "laws agreed on in England," it was provided that witnesses should testify, "by solemnly promising to speak the truth, the whole truth, and nothing but the truth; and persons convicted of falsehood were liable "to suffer such damage or penalty, as the person against whom he bore false witness did or should undergo, and to make satisfaction to the party wronged, and be publicly exposed as a false witness, never to be credited in any court, or before any magistrate in the province:" oaths were thus abolished in all cases. This law was re-enacted in 1693, but was modified by an act passed in 1712, allowing an affirmation to the scrupulous, and permitting others to make oath. This and other acts of like tenor were repealed by the privy council; but, at length, the form of affirmation having been settled in England, by the 1 Geo. I., upon the model adopted in Pennsylvania, the provincial act of 1718 enacted "That all manner of crimes and offences, matters and causes, may be inquired of, heard, tried, and determined, by judges, justices, inquests, and witnesses, qualifying themselves according to their conscientious persuasions, respectively, either by taking a corporal oath, or by the solemn affirmation allowed by act of parliament;" thus extending that act to criminal cases, which were expressly excluded from its scope. This subject was wholly and finally settled in 1772, by an act of assembly, legalizing the oath with uplifted hands, after the ritual of the covenanters. These laws have extended to all, without distinction of religious sects, the right to substitute an affirmation for an oath, where scruples of conscience prevail. The temporal punishment for falsehood uttered under either sanction is the same; and it is not to be presumed, that there will be a difference in the future.

The genius of the feudal system forbade the alienation of lands, and sternly prohibited the change of tenants at the will of creditors. It was long before commercial justice could subject lands, under any circumstances, to the payment of

debts. In England, even at this day, the recourse to them for that purpose is slow and complex during the life of the debtor; and after his death, the specialty creditor only, to whom the heir is also bound, can resort to the lands. The Pennsylvania lawgivers, in their first attempts to legislate on this subject, proceeding with timid hesitation, adopted half-way measures.

By the "laws agreed on in England," "all lands and goods were liable to pay debts, except where there was legal issue, and then all the goods, and one-third of the lands only." By the fifty-first chapter of the great law, the liability was extended to one-half the lands: but the act of 1688 provided, that "all lands whatsoever, and houses, shall be liable to sale upon judgment and execution obtained against the defendant, his heirs, executors, or administrators;" with the humane condition, that "the messuage and plantation upon which the defendant was chiefly seated, should not be exposed to sale, till the expiration of one year after judgment obtained, to the intent, that the owner, or any in his behalf, might endeavour its redemption: that before sale, appraisement should be made by a jury, and that the chief plantation should be the last sold." By the act of 1700, the above provisions were substantially re-enacted; and by the act of 1705, the sale of lands taken in execution was forbidden, if the yearly profits, beyond reprizes, would within seven years pay the debt, with costs of suit; in that case, the lands were to be delivered, without further writ, to the plaintiff, until the debt should be levied by reasonable extent, in the manner lands are delivered on writs of *elegit* in England.

Great facility for the recovery of debts was obtained, by the action given against the heir or personal representatives of the decedent. But a more comprehensive and speedy, equitable and economical, mode of applying the estate of a decedent to the payment of his debts, was devised, which, leaving to each creditor the right to proceed for himself individually, enabled the representative of the decedent to act for all, and to make distribution of the whole estate; and when

it was insufficient to pay all, to divide it amongst the creditors, in a certain order of priority established by law. This order, with some slight change, still continues, although every preference in payment, not founded on special contract and pledge between the parties, is unjust.

Failing the estate of the debtor, recourse was given to his person, in relation to which, as we have already stated, a cruel severity existed in the law, which the humanity of our ancestors did not suffer them to enforce.

So early as 1729, a permanent insolvent law was enacted, which endured, with slight alteration, as long as the colonial government. Debtors charged in execution for sums not exceeding one hundred and fifty pounds, and not indebted to one individual in a greater sum, might be exonerated from imprisonment, on account of any debt due at the time of his discharge, by the court whence the process issued, upon surrender of his effects to trustees, for the benefit of his creditors, and declaring on oath a schedule of his estate, and that he had not disposed of any part thereof, whereby to have profit to himself, or defraud his creditors; provided, that no creditor insisted on his detention in prison, and engaged to pay a stipulated sum for his maintainance. Property acquired by the debtor after his discharge, was liable to be taken in execution for his debts. Prisoners for debt under forty shillings might obtain the benefit of this act, by application to two justices of the peace. By an act of 1774, provision was made for the appointment of commissioners to carry into effect the assignment of insolvents. Cases of insolvency, not embraced by the general law, were provided for, from time to time, by special acts of assembly.

We can trace, perhaps, with sufficient accuracy, the source whence Penn and his associates drew their political principles. Bright gleams of political light illumined the revolution which prostrated the first Charles. The Oceana of Harrington gave the plan of the first frame of government of the province; and the same work, the civil law, or even the ancient English common law, might have directed them to

the equal distribution of estates among the children or relatives of the owner, which Harrington wisely deemed the only security for the stability of a republic. The necessity for a speedy administration of justice, among the founders of colonies in the wilderness, where every hour was needed, to fell the forest, or cultivate the field, taught our forefathers the worse than uselessness of the logic then prevalent in the courts—that creature of ingenuity and selfishness, which, like a spider's net, spread its meshes to feed its framers. But whence did the Pennsylvania lawgivers derive their system of criminal jurisprudence? It was not found in England, nor in continental Europe. The puritans of the revolution gave to the criminal code of the former a darker hue. The theocracy of the Jews, towards which religious reformers are too apt to look, was dyed in blood. Whence then did Penn and his followers learn, that, in moderate governments, the love of country, and the sense of shame, are the greatest preventives of crime? that, in republics, the greatest punishment of a bad action is conviction; and that the wisdom of the legislator is better employed in preventing crimes, than in devising punishment? Is it, that the knowledge and love of civil liberty teaches mercy and forbearance; or does a proper understanding of the principles of the great Founder of Christianity lead us to treat with charity our fellow beings, who have fallen by temptations, which, in like circumstances, might have proven irresistible to ourselves?

If praise be due to the political changes introduced by Penn, his modification of the criminal law claims our highest regard. The merit of originality is his: the merit of practically demonstrating, that the laws can convert any thing into punishment, by making it infamous; and that the certainty, and not the severity, of punishment, is the best corrective of crime, is undeniably his; and this, if there were nothing else to recommend him, exhibits such profundity of thought, justness and comprehensiveness of political knowledge, as must class the proprietary in the highest rank of philosophers and public benefactors.

By the establishment of religious toleration, all offences against religion were stricken from the statute book, unless cursing, swearing, and blasphemy be so denominated. But these were offences against public decorum, and as such were punishable.

By the first laws of the province, the murderer alone was punished by death; and even towards him the severity of the English law was modified. By the former the whole of his lands and goods were confiscated, whilst by the latter, one-half was suffered to pass to his wife and children. With equal wisdom and humanity, all forfeitures for self-murder and deodands, in cases of homicide, were abolished. "Robbery, burglary, arson, rape, the crime against nature, forgery, levying war against the governor, conspiring his death, and other crimes, deemed so heinous in many countries, and for which so many thousands have been executed in Britain, were declared to be no longer capital." Imprisonment at hard labour for a term apportioned to the offence, stripes, fines, and forfeitures, were the punishments inflicted on these offences.

As these laws were experimental, they were temporarily enacted. But proving efficacious, they were permanently adopted, and transmitted to the privy council in England. So wide a departure from the English law was immediately condemned and rejected. But the provincial assembly, persevering in their design, and re-enacting their bills, the council at length acquiesced, since these laws continued in force until 1718. At that period a total change of criminal jurisprudence was effected, which, if ascribable to the cause assigned, adds another to the thousand instances of disregard which religious enthusiasm has shown for the most important temporal benefits.

The administration of the government had, from the settlement of the province, been conducted under the solemnity of an affirmation, instead of an oath, notwithstanding the frequent repeals in England of the provincial laws on this subject. The pertinacity of the province on this head, with her refusal to adopt the English statutes in other cases, gave great offence, which was heightened by the misrepresenta-

tions of her disputes with her governors; and, together with Penn's contemplated surrender of the government to the crown, induced the fear that the whole frame of the government was in jeopardy. The feeble Gookin, extending to the province the act of 1 Geo. I. prohibiting an affirmation in cases of qualification for office, or in criminal suits, unhinged its whole polity. The administration of justice was suspended, and two atrocious murderers remained in prison three years without trial. On the accession of Keith, they were convicted and executed, under the old forms of procedure. Loud complaints were made to the crown in regard to this case, and the assembly, panic-struck, became apprehensive of the loss of the privilege of affirmation, and that punishment would be inflicted for the trial and execution of subjects, contrary to the provisions of the statute. Governor Keith suggested that the best mode of propitiating their sovereign, would be, the adoption of the laws of the parent state, "the sum and result of the experience of ages:" to which the assembly lent too favourable an ear. The law of 1718 was enacted; high treason, including all the treasons which respect the coin, petit-treason, murder, robbery, burglary, rape, &c. &c., malicious maiming, manslaughter, by stabbing, witchcraft, conjuration, and arson, were declared capital on the first, and all other felonies, larceny excepted, on the second conviction. The English law, respecting bastard-children, was extended in its rigour, and the courts authorized to award execution forthwith. To this list, were added, at subsequent periods, counterfeiting, and uttering counterfeit bills of credit, and counterfeiting any current gold and silver coin. By the act of 1718, that system of provincial criminal law was settled, which continued in force until the revolution. That auspicious event, restoring to Pennsylvania unfettered power of legislation, the reform of the criminal law became one of the most prominent objects of her wishes, and was enjoined by the constitution of 1776.

III. As every species of religion was protected in Pennsylvania, her inhabitants were soon distinguished for the variety of their creeds. The province became the asylum of

many persons, whose peculiar opinions rendered them impatient of, or obnoxious to, their native governments. Here were found Quakers, episcopalians, lutherans, Roman catholics, presbyterians, independents, and German calvinists; the Moravians and Schwenckfelders, and sects less numerous, and now almost forgotten; and here also the Jew, loaded with contumely in every country of Europe, found safety and respect; for here even against him the sword of persecution had no edge.

A very short notice will suffice for those sects, who, from their numbers, and communion with general society, are known to all. But it will be proper to describe more fully those whose peculiar faith and practice have rendered them subjects of curiosity.

We have seen, that at the time of the grants to Penn, several christian churches were established in the province and territories. The Dutch had one at New Castle, but of what denomination we are not told. The Swedish Lutherans had three: one at Christina, another at Tinicum, and a third at Wicocoa; to which they subsequently added one at Kingsessing, and another at Merion; but of all these, the church erected in Southwark in 1700 alone remained in 1776. The Lutherans, however, rapidly increased by the influx of the Germans; they had two churches in Philadelphia, and several others in the counties of Lancaster, Berks, and Northampton.

The Quakers had meetings at Chester, Kensington, and the falls of the Delaware. Their yearly meeting was first holden in America, at Burlington, on the twenty-eighth of September, 1681, and between the years 1684 and 1761 it held its annual sessions alternately at that city, and at Philadelphia; but in the latter year it was permanently fixed at the latter place. The Quakers settled principally in the counties of Philadelphia, Chester, and Bucks; and at one period, formed a large majority of those counties, but were soon far outnumbered by other sects. In 1770 they had between sixty and seventy houses for divine worship.

The episcopalians became early numerous in the province,

and were strengthened by the seceders from the Quakers, under Keith, most of whom joined the national church. Whilst the political power was entirely in the hands of the Quakers, the churchmen were jealous and discontented, and transmitted very unfavourable representations of the policy of their rulers to the crown. But when the executive power was exercised by lieutenant-governors of the established church, and the offices, on the recommendation of the proprietaries, were distributed in full proportion among them, they became reconciled, and ardently attached to the constitution of the province. Christ church was founded in 1710, enlarged in 1727 and 1731, and completed, by the erection of the steeple, in 1753; St. Peter's was built in 1761; and subsequently St. Paul's was erected by the friends and admirers of a certain Mr. M'Clanaghan; the two former were conjoined by one act of incorporation. Episcopal churches were also erected in other parts of the province; but neither the pastors nor their congregations were distinguished by zeal in making converts, and their churches were sustained chiefly by the accession of members from England, and the progress of natural increase.

The protestants of every denomination held the Roman catholic communion in abhorrence; and the penal laws of England forbade the public exercise of that religion. So enthralling was this prejudice, that even the liberal spirit of William Penn reluctantly received papists into his province. The minutes of the provincial council show, that such danger was apprehended from their missionaries, that their imprisonment was deemed necessary to the public safety. Previously to the year 1733, few catholics resided in Philadelphia, and these held their meetings for religious worship in a private dwelling, and were occasionally visited by missionaries from Maryland. At that time a small chapel was erected in the city, and dedicated to St. Joseph, and a pastor was duly appointed to officiate therein. The public celebration of mass caused much agitation in the provincial council, and governor Gordon proposed to suppress it, as contrary to the stat. 11 and 12 William III. The catholics claimed protection under

he provincial charter, and the council referring the subject o their superiors at home, the governor wisely resolved to uffer them to worship in peace. The German emigrants dded greatly to their number, and before 1776 another cha- el was erected at Lancaster.

At the revolution, the presbyterians, including the Dutch nd German calvinists, formed the most numerous sect in the province, several of the back counties being chiefly peopled by them. Large numbers flowed in from the north of Ireland, and their church grew rapidly by the zeal and industry of its pastors. They were distinguished by courage and perseverance, in maintaining their religious tenets, in defending their possessions against the Indians, and in the destruction of the savage enemy. On the important question of changing the proprietary for a royal government, they were strenuous in their opposition to Franklin and the Quakers, and were ardent whigs in the revolution. The germ of this society, which has sent its roots into all parts of the state, and whose branches threaten to overshadow all other denominations, was small indeed. In 1695, a few independents, with some baptists, assembled in a small frame warehouse, at the corner of Chesnut and Second streets, where they attended the ministry of the reverend John Watts, a baptist minister. In 1698 they were sufficiently numerous to call a minister of their own faith, the reverend Jedediah Andrews, from New England. In 1704 they purchased a lot on Market street, and erected a house for public worship, which they enlarged in 1729, when they adopted the presbyterian form of government. A part of this church, in 1742, followed Mr. Whitfield, and occupied the house built for that eloquent preacher. In 1750 they founded the second presbyterian church, and at the commencement of the revolutionary war they had four houses for divine worship in the city, and many others throughout the province.

In 1684, a Mr. Dongan, from Rhode Island, gathered a church of baptists, at Cold Spring, above Bristol, in the county of Bucks In 1686, some persons of the same faith came from Radnorshire, in Wales, and Killarney, in

Ireland, and seated themselves on the Pennypack creek, ten miles north-east of Philadelphia, where they established a church, over which Elias Keach, an English youth, baptized and ordained by Mr. Dongan, was chosen pastor. In 1687 Mr. John Watts, from the county of Kent, England, was baptized at Pennypack, and in 1698 assumed the charge of a church at Philadelphia, composed of nine persons only, and meeting in the building occupied in common with the independents. But being expelled by their associates from this house, they assembled statedly for worship at a brew-house* in the city, until the year 1707, when, by invitation from some Keithian seceders, they removed to a house on the site of their present place of worship, in Second, near Mulberry street. The dunkards and menonists, maintaining the rite of baptism by immersion, are classed with the general society of baptists in Pennsylvania. But we shall find it most convenient to treat of them separately. The English baptists in 1770 were estimated at six hundred and fifty families, and three thousand two hundred and fifty-two persons, divided into eighteen congregations, occupying as many meeting houses.

The menonists were a sect of German baptists, who, like most sectarians, trace their faith to a remote origin, deriving it from the christian church in Thessalonia, in the time of the apostles. They take their name from Menno Simon, of the Netherlands, a leader of their sect in the sixteenth century. They denied the unlawfulness of oaths, and the use of arms in war; adopted a peculiar plainness and form of dress, appointed their ministers out of the general body without previous instruction, held love feasts, and washed each others' feet as a religious ceremony. From their own accounts they were much persecuted in Germany, and professing a religious practice, similar to that adopted by the zealots of Munster, they probably partook of the merited odium which pursued those fanatics. They, however, disclaim and condemn the wild and criminal extravagance of that people. Although they had purchased toleration for their faith, and exemption from oaths and military service in Germany, they were sub-

* Of Anthony Morris, near the Drawbridge.

jected to many oppressions, which led them to seek elsewhere full enjoyment of civil and religious liberty. From the writings and discourses of William Penn during his German travels, they obtained a knowledge of Pennsylvania. Some of them removed to the province in 1698, others in 1706, 1709, and 1711. Their report induced many to follow them in 1717. Their first settlements were at Germantown, where they built a meeting and school house, in 1708. At this place many of their descendants are still found, but their chief settlements are in Lancaster, and the neighbouring counties. In 1770 their number was estimated at 4050 persons, and their places of worship at forty-two. They are a sober, industrious, economical, and moral people.

The *dunkards*, *tunkers*, or *dumplers*, are another species of German baptists, now almost extinct. Their religion was more mystical, and their practice more ascetic and fanatic, than of any other sect in the province. The word "*tunker*," from which their other names are derived, means a baptizer by immersion. With the Quakers and menonists, they refuse to swear, or bear arms. They trace their origin to the baptism of John, and admit no other confession of faith than the New Testament. They adopt the eucharist, which they administer at night, in imitation of our Saviour, washing, at the same time, one another's feet, agreeably to his example and command. They convene on the first day of the week for public worship; but those at Ephrata kept the Jewish sabbath. They wore their beards long, and dressed in plain and coarse garments, of an ancient fashion.

This sect commenced in Germany in 1705, and consisted principally of German Calvinists, whose aberrations obtained for them the name of 'pietists,' and a considerable share of persecution. They collected at Swarzenan, in the county of Witgenstein, where they were allowed, for a season, to meet without interruption. Here, under the guidance of Alexander Mack, a miller, of Schriesheim, a society originally of eight persons was formed, who adopted the rite of baptism by immersion. Their number increasing, and their enthusiasm meeting with reproof, they removed to Creyfield, in the dutchy of Cleves

whence a company of eight or ten, still under the direction of Mack, who devoted his property to the common use of the society, proceeded to Pennsylvania in 1719, and seated themselves at Germantown. Their church here grew rapidly, receiving members from the inhabitants along the Wissahiccon, and from Lancaster county. In 1723, the members in Germantown and its vicinity formed themselves into a community, under Peter Beeker, who was chosen official baptizer; and who also, in the succeeding year, collected the scattered brethren in Lancaster county into a distinct society, near Pequa creek.

At the head of this last association, one Conrad Beissel, who assumed the name of Friedsam Gottrecht, *anglice* Peaceable Godright, had sufficient art to place himself. By his influence the observance of the seventh day of the week was adopted in 1728, when the members separated themselves from all fellowship with the rest of the tunkers, and were re-baptized by Beissel, or "gave to the old baptists their baptism back again." Soon after, a society in opposition to Beissel was formed, near the Conestoga creek. That leader becoming more ascetic, adopted the life of a recluse, and retired to a cottage which had been erected by a solitary, named Emilech. But learning that discord and strife had arisen in the community, he summoned the members before him, by a formal citation, on the fourth of September, 1732. Their conference resulted in the determination of the unmarried brethren, to erect for themselves a cottage near to Beissel's, and a dwelling for the sisters. Several revivals of enthusiasm among the tunkers, at Falconer's swamp, on the banks of the Schuylkill, at Tulpehocken and Germantown, increased the huts around Beissel. The sisterhood obtained considerable accessions, but two sisters only continued steadfast in their renunciation of marriage. The zealots gave to their new habitations the names of *Zohar*, *Hebron*, *Massa* and *Cades*, and that of *Kedar* to a meeting house which they built for the celebration of love feasts. This being transformed into a "sister convent," another meeting house was erected; and, in

738, a house was built for the brethren, and called Zion, and the whole settlement received the name of Ephrata.

Thus a solitary life was changed into a conventical one. Zion, now called a "*kloster*," or convent, was put under monastic rule, and the brethren adopted a habit similar to that of the capuchins. Onesimus was appointed prior, and Beissel assumed the title of "father." But these changes were not unopposed: some individuals preferred their former solitude; and others condemned Beissel's presumption in appropriating to himself the style of "father." Hildebrand and Sangmeister, distinguished members, were among the malcontents. The latter retired to a solitude in Virginia, where he commenced a narrative in German of his own life and religious experience, with an historical notice of the Ephrata institution.

The property of the society consisted of about two hundred and fifty acres of land. Its labours and profits were in common. Marriage and sexual intercourse were forbidden to the members of the community; but such as were disposed to enter into matrimony were permitted to withdraw; taking with them their proportion of the common stock. The sexes dwelt apart. They lived on vegetables solely, and slept on wooden benches, with blocks of wood for pillows, and attended worship four times in the twenty-four hours. This life macerated their bodies, and rendered their complexions pale and bloodless. Their dress consisted of a shirt, trowsers, and waistcoat, with a long white gown and cowl, of wool in winter, and linen in summer. The dress of the women differed from that of the men in petticoats only: with the cowls of their gowns they covered their faces, when going into public. When walking, they all used a solemn steady pace, keeping straight forward, with their eyes fixed to the ground, not turning to give an answer when asked a question. On their occasional visits to their friends at Germantown, forty or fifty thus strangely accoutred, with sandals on their feet, were seen following each other in Indian file. On the death of Beissel, his authority devolved on one Millar,

who, wanting the vigorous mind and influence of his predecessor, was unable to preserve the society from rapid decay.

All engrossing as religious fanaticism usually is, and attractive as it sometimes proves, by its singularities, nature and reason proved too strong for it in Pennsylvania; and the tunker sect has been almost extinguished in the unequal conflict. Ephrata still exists, but the peculiarities of its inhabitants are no more: they marry and are given in marriage; eat, drink, and dress, like their neighbours; but are still remarkable for the simplicity of their manners, and fervour of their devotion. Their religious principles are not precisely known: they denied the doctrine of original sin, and the eternity of punishment; and believed that the day of judgment would be a day of light and instruction, when the whole human race would be restored to happiness: contention with arms, or at law, they considered as inconsistent with Christianity. They had no set form of worship, but sang, at their devotions, hymns composed by the brethren, and were distinguished by skill in vocal music. A mystical union in love with God and Christ, they deemed the great object of their life, and the reward of their labours and sufferings, to attain which, self-denial, and withdrawal from the world, were essential. Baptism they adopted, not as an initiation to Christian fellowship, but as a rite, like that of purification in the Mosaic law, to be repeated as often as the believer was defiled by the world. Their sensual affections, driven from their natural channel, were poured forth on this mystical union with the Redeemer. By the unmarried of both sexes, he was considered as an object of more than spiritual love: he was the bride of the one, and the bridegroom of the other: in their songs and hymns, as in those of the Moravians, he was sometimes addressed in the strong, and frequently not most delicate, language of passion. "Some of their writers of spiritual songs possessed well-regulated minds, and a portion of poetic spirit. The mysticism of these, created an imaginary world, instead of that which they had abandoned, where they permitted their affections to roam unchecked. The figure or image dearest to passion, was enthroned in

heir hearts: that was their God, their Lord, their Redeemer. But the effusions of others were a jargon of inconsistent connexions; turtle-doves and lambs in conjugal union; cultivated fields, on which were sown pearls, and wine, and music; burning hearts united in keeping silence, and singing at the same time songs of joy."* The whole number of tunkers in Pennsylvania, in 1770, was estimated at four hundred and nineteen families, consisting of two thousand and ninety-five persons. They had four meeting-houses in different parts of the province.

Among the strange religionists of the province, the Swenckfelders must not be overlooked. They derive their name from Caspar Swenckfeld, of Ossing, who was a distinguished teacher at the reformation in the sixteenth century. The sect which he gathered was tolerated by the German emperors, in the arch-dukedom of Silesia, especially in the principalities of Taur and Lignitz, for near two hundred years. But they underwent some persecutions in 1590 and 1650; and, in 1725, were compelled to seek shelter in Upper Lusatia, in Saxony, under the protection of the senate of Gorlitz, and also of count Zinzendorf. They dwelt unmolested here about eight years; when, this protection being withdrawn, they resolved to seek a permanent establishment in Pennsylvania. Many of them came over in the year 1733, but the greater part in the succeeding year. Like the Quakers and menonists, they differed from the major part of the Christian world, in their disuse of oaths, and reprobation of war. They varied from the menonists, in refraining, from conscientious motives, from the sacraments of baptism and the eucharist. They settled chiefly in the county of Berks. They are not numerous, but are an industrious, frugal, and moral people, whose value was justly appreciated by the sagacious Frederick of Prussia, who, in vain, by proclamation, in 1742, invited their return to Silesia.

In 1694, a sect of German pietists, forty-two in number, who were denominated "the society of the woman in the

* Endress's Account of the Tunkers. Mem. Penn. Hist. Soc.

wilderness," settled at the Ridge, not far from Germantown. They were principally men of education, whose peculiar and wild views of religion drove them from the universities of Germany, to seek among the American wilds some immediate and strange revelations. They believed in the near approach of the millenium: that the "woman in the wilderness," mentioned in Revelations, was prefigurative of the great deliverance of the church of Christ, then about to be displayed: that, as she was "to come up from the wilderness, leaning on her beloved," so the beloved, becoming hermits, and laying aside all other engagements, should prepare for her reception, by adorning themselves with holiness; and should observe the signs of the times, if, peradventure, the "*Harbinger*" might appear. They taught that there was a threefold wilderness state of progression in spiritual holiness; the barren, the fruitful, and the wilderness state of the elect of God: the last of which, the highest degree of holiness, was to be attained by dwelling in solitude, or the wilderness. Thus Moses acquired his holiness by a preparation of forty years in the desert; and thus St. John was qualified, and Christ himself was prepared by his forty days' temptation in the wilderness: whence it was inferred, that holy men might be qualified to come forth again, to convert "whole cities," and to work "signs and wonders." With more good sense than usually accompanies such vagaries, these holy men waited for some satisfactory evidence of their apostolic qualifications, which not receiving, they were content to instruct such only as sought their haunts.

These enthusiasts retired to the woods, where they led the lives of hermits. This abstraction did not continue long with the major part of them. They returned to a communion with the world, and many of them abandoned all hopes of solitude and silence, wedding women who were not of the wilderness. A few, however, persevered; among whom were John Kelpius, their leader, and John Seelig, his companion and pupil, and Conrad Matthias, a Swiss, who joined them in 1704.

Kelpius was a scholar, and, tradition says, a noble of an eminent family of Siebenburgen, or Transylvania. He was

well versed in the Hebrew, Greek, Latin, German, and English languages, in the last of which he wrote with a freedom and purity of style rarely attained by foreigners. And upon all topics, save his peculiar religious opinions, he reasoned acutely and soberly. He died in 1708, at the early age of thirty-five.

After the death of Kelpius, his faith was continued for many years by Seelig, who was remarkable for the firmness with which he resisted the temptations of the world, and for wearing a very coarse garment, similar to that worn by his predecessor. He was succeeded by Matthias, who was the last of the hermits, and who died about the year 1745. Though withdrawn from society, these men did not altogether abandon the business of the world, and waste their lives in pious idleness. They devoted themselves gratuitously to the education and instruction of the poor, and many of the oldest deeds of conveyance in the neighbourhood are of the handwriting of Seelig. These ascetics appear to have been all tinctured with judicial astrology and magic, and perhaps were known and feared as conjurers. Kelpius kept his diary by the signs of the zodiac, and Seelig told fortunes by casting nativities. Doctor Christopher Witt was also of the "society of the woman of the wilderness." He arrived in Pennsylvania, with Conrad Matthias, in 1704, was distinguished as a practitioner of medicine, and as a magus, or diviner, or, in grosser acceptation, a conjurer. He was a student and believer in all the learned absurdities and marvellous pretensions of the *Rosie Crusian* philosophy. His practice as a physician was extensive and profitable; but the ignorance and superstition of his neighbours, probably rendered his profession of necromancy the more lucrative. His art was frequently employed in lifting for them the veil of futurity, discovering the secret depositories of stolen goods, detecting the thieves, and relieving the disorders and spells created by witchcraft. He lived a full century, and died in Germantown, in 1765. His doctor's cloak, and magician's wand, became the property of his apprentice, named Frai-

ley, whose reputation it is believed was never so great as his master's.*

Of the eccentric religious sects which Germany has engendered, none have been more distinguished than the Moravians, or "*unitas fratrum.*" This society, by its services, and its relations with the Indians, has connected itself intimately with Pennsylvania history. It is indebted for its formation and success to count Zinzendorff. He, in early youth, was deeply impressed with religious sentiments, and was ambitious to become the founder and director of a religious community. Soon after attaining his majority, in 1721, he collected a number of persons on his estate at Berthelsdorff, in Upper Lusatia. He was joined here by some Moravian families, led by Christian David, who, it is said, left their homes with the design of settling in Pennsylvania, but stopped at Berthelsdorff, under the assurance that they might there enjoy religious freedom. In 1732, the society at that place had increased to six hundred. From the name of an adjacent hill, called Huth-berg, they styled their dwelling "*Herrnhuth,*" interpreted, the "*guard of the Lord,*" and the members received the appellation of Herrnhutters. But, as a large proportion of the brethren were from Moravia, the count claimed for his society Moravian parentage, and boasted its descent from those Bohemians and Moravians, who, long before Luther, opposed the Roman church, and who were originally from the Greek church, and afterwards connected with the Waldenses.

The declared faith of the *unitas fratrum* was Lutheran: but its discipline, religious practices, and forms of worship, were peculiar to itself. The fraternity was divided into classes of married men, married women, widowers, widows, bachelors, maids, and children. Each class had its director, chosen by the members, whose duty was to examine and report daily to the elders the religious and temporal state of its constituents. Frequent assemblies were holden by each

* For the foregoing account of the "society of the woman of the wilderness," I am indebted to the meritorious collection of Mr. I. F. Watson, in the possession of the Pennsylvania historical society.

lass, and by the society. The overseers or directors had lso private meetings, for the instruction of each other in he guidance of souls. The classes were severally divided nto such as were spiritually dead, awakened, ignorant, will-ng disciples, and disciples who had made progress; proper ssistance was given to all, especially to those who were spi-itually dead. Great attention was paid to the nurture and ducation of youth; and meetings were holden for children carce able to walk, at which hymns were sung and sermons reached.

The society was governed by the elder, co-elder, and vice-elder, over whom count Zinzendorff, by various titles, conferred at different times, held almost uncontrolled influence. He exercised clerical functions, and, for a short season, was their bishop. That office, however, gave no authority; and the difference between the bishop and other ministers, consisted only in the power to give ordination. Claiming for himself and the superiors of the fraternity, a mysterious connexion with Christ, whose will, in relation to the society, was communicated through them, he required and received implicit obedience from the members. This will was ascertained among the rulers, on doubtful occasions, by casting of lots. To the elders belonged the sole right of making marriages, which they also determined by lot. Whilst the tunkers of Ephrata looked only to a spiritual marriage with the Saviour, and prohibited a carnal union with each other, the Moravian brethren taught, that marriage was not only permissible, but was a duty of the highest obligation; that all souls are of the feminine gender; and the sex of the male an office imposed in this probationary state. "Jesus," they said, "is the spouse of all the sisters, and the husband, in the most proper sense, his procurator: the sister is conducted by him to Jesus, and the husband thus becomes her saviour in this world, and is therefore, as the representative of Christ, entitled to all honour." Their enemies have, we believe, falsely, charged the brethren with celebrating their marriages by grossly impudent exhibitions.*

* See Rimius.

A great part of their worship consisted in singing. Their hymns, like those of the tunkers, contained many passionate expressions and sensual images. They had great faith in the efficacy of prayer: persons were appointed, who, by rotation, continued to pray for the society through all the hours of the day and night. The devotion of the society was frequently revived and enlightened by *agapes*, or love-feasts.

The community professed adherence to the confession of Augsburg; but they admitted to their communion Calvinists, and every other sect willing to conform to their discipline. They denied the lawfulness of oaths, and the use of arms; but, after having obtained an act of parliament to protect them in these scruples in America, they in 1764 assumed arms to defend themselves against the savages.

The society grew rapidly, and established churches in Germany, the United Provinces, the British European dominions, in Greenland, in several of the West India islands, and in Pennsylvania. In 1749, it had thirty thousand members, and employed one thousand missionaries, who were indefatigable in spreading the light of the gospel and the blessings of civilization among the heathen.

The Swenckfelders, who settled in Pennsylvania, originally proposed to establish themselves in the province of Georgia. Upon the abandonment of their plan, the lands designed for them were offered to, and accepted by, the Moravian brethren, who, in 1734, sent out a colony, by the way of London, to found a settlement on the Ogeeche river. In the succeeding summer, another colony, led by David Nitschman, was established at Savannah. But, in 1738 and 1740, being required by the government of Georgia to take up arms against the Spaniards, the brethren abandoned their flourishing possessions, and removed to Pennsylvania. In 1739, they obtained an act of parliament, permitting them to substitute an affirmation for an oath, and granting them immunity from military service, on the payment of a rate assessed. Those who first arrived in Pennsylvania, seated themselves, by invitation from Mr. Whitfield, on a tract of land he had purchased for the establishment of a negro school, and to which he had given the

name of Nazareth. This they were compelled to leave in 1740, by the discontent of the Indians. Soon after, on the arrival of the remainder from Georgia, under bishop Nitschman, the brethren purchased a tract of about four thousand acres on the Lehigh river, where, in 1741,* they laid the foundation of the present town of Bethlehem. Two years afterwards, they also purchased of Mr. Whitfield the tract at Nazareth.

In December, 1741, count Zinzendorff visited Pennsylvania, and commenced his missionary labours at Germantown. He invited the governor to send to his meetings, witnesses, understanding the English and German languages, who might report their true character. He preached with great success, and received a call, as a Lutheran minister, to the church in Philadelphia, on the nineteenth of May, by the name of Mons. De Thuernstein, a divine of Turbingen. He assumed this name, belonging to the counts of Zinzendorff, and a few days after laid down his title of count, in presence of the governor, and a respectable assemblage of citizens, "that his rank and title might not be maltreated, to the disadvantage and dissatisfaction of his family, through the reproach and calumnies, which he, as a servant of Christ, neither could nor would avoid." His call was not an harmonious one. Divisions grew in the church, and his adjunct, Christopher Pyrlœus, was dragged from the pulpit of the reformed Lutherans, in Philadelphia. The count presided at several conferences, at which he endeavoured, not very successfully, to unite the several German sects in Pennsylvania. And he displayed great zeal and industry in visiting and converting the Indians; but the number of his converts was inconsiderable. In this labour, Conrad Weiser served him as interpreter. In 1643, he returned to Europe, having animated the zeal of the brethren for the propagation of their faith.

The industry, economy, and morality of these pious men, tended greatly to promote their increase in numbers and wealth. Beside the towns of Bethlehem and Nazareth, settlements

* March 9th.

were commenced at several places in their vicinity: at Gnadenhutten, Gnadenthal, Friedenshal, Christiansbrun, and elsewhere; they had a church and congregation at Philadelphia, another at Lancaster, and a fine establishment, called Litz, in the neighbourhood of the latter city. They had colonies also in New York, New Jersey, and North Carolina. Their town of Bethlehem consisted of private houses, in which the married members of the fraternity resided; *quoir* houses, large and spacious, for the several unmarried classes of the community, and the congregational inn, reputed one of the best in the province. Music was the chief amusement of the brethren, and their principal medium of devotion, and they acquired great skill in that delightful art.

The great success of the society in the education of youth of both sexes, occasioned them to be extensively employed in this delicate and important trust, at Bethlehem and Litz; public schools having been established by them at both places.

The Moravian labours for the conversion of the Indians, though unremitted, have not been very successful. In 1772, not more than seven hundred and twenty Indians had been baptized, after the exertions of thirty years. But several tribes have been instructed by them in the arts of civilization, and we would fain hope have been improved in their moral condition.

IV. The financial system of Pennsylvania was simple in its construction, and inconsiderable in the amount of its product. The population, in 1776, was estimated at above three hundred thousand souls. The annual expense of the government, the burdens arising from the war and county and township expenses not included, was 3290*l.* currency, equal to $8774 66; imposing a contribution of less than thirty cents on each inhabitant, for the ordinary charges.

The extraordinary charges were temporary, and were occasionally considered heavy, and produced some murmurs. The war of 1756, with the French, and that of 1764, with the Indians, created a large debt, exceeding 500,000*l.*, which required a long continuance of taxes to discharge. The annual provincial income may be stated at 42,120*l.*, which, after

deducting the necessary sum for the ordinary expenditure, was appropriated to the reduction of the debt, by the redemption of the bills of credit which had been issued for temporary purposes. Taxes for county and township objects, were levied at the discretion of the inhabitants of those districts respectively.*

* The following statement of the provincial charges and income, was made by governor John Penn, in 1767, in a letter to the earl of Shelburne, and is entered on the minutes of council:

| | |
|---|---|
| Ordinary charges: | |
| Lieutenant-governor's salary, | £1000 |
| Chief justice, do. | 200 |
| Puisne judges of the supreme court, | 100 |
| Attorney-general, | 75 |
| Clerk of council, | 15 |
| | ——1390 |
| Assembly, | 800 |
| Do. for extra services to sundry members, principally for preparing bills, | 150 |
| Provincial agent, | 350 |
| Clerk of assembly, | 200 |
| Printing, | 100 |
| Postage, | 70 |
| Keeper of great seal, for affixing seal to laws, | 15 |
| Clerk of governor's council, on account of warrants, | 15 |
| Master of rolls, for recording laws, | 30 |
| Barrack-master at Philadelphia, | 50 |
| Do. at Lancaster, | 40 |
| Clock-maker, for care of clock, | 50 |
| Doorkeeper to council, | 5 |
| Do. to assembly, | 25 |
| | ——1900 |
| | £3290 |
| Provincial receipts: | |
| Interest on loan of 150,000*l.*, at 5 per cent., | £7,500 |
| Excise on wine, spirits, &c. at 4*d.* per gallon, | 5,000 |
| Tax on real and personal estate, and polls, | 28,000 |
| Duty on negroes, | 650 |
| Duty on tonnage, at 6*d.* per ton, specially appropriated to the maintainance of a light and buoys in the bay, | 970 |
| | £42,120 |

V. The tonnage of Pennsylvania was estimated, in 1774, at 46,972 tons; and there were entered and cleared at the port of Philadelphia in the preceding year, four hundred and twenty-six square rigged vessels, and three hundred and seventy sloops and schooners. Her exports, consisting of the produce of the colonies generally, and of articles from the West Indies, Madeira, and Canary Isles, amounted, on the average of three years, ending with 1773, to 712,000*l.* sterling, of which only about 37,000*l.* was directly to Great Britain. Her imports, on a like average, amounted to 600,000*l.* per annum, of which 426,448*l.* were from Great Britain. The chief articles of export were grain, flour, flaxseed, timber, iron, in pigs and bars, beef and pork. The balance in favour of Great Britain was paid by the proceeds of shipments to the West Indies, Portugal, Spain, and the Mediterranean, made in vessels built in Pennsylvania; the latter were frequently sold with their cargoes, and formed a large item of the export trade, not included in the custom house reports. In 1772-3, there were exported, of flour, three hundred and twenty-five thousand barrels; of bread, forty-eight thousand one hundred and eighty-three; of wheat, one hundred and eighty-two thousand three hundred and ninety-one bushels; of Indian corn, one hundred and seventy-nine thousand two hundred and seventeen bushels; of beef, pork, and hams, nine thousand six hundred and forty-nine barrels; of iron, one thousand five hundred and sixty-four tons; of flaxseed, eighty-eight thousand two hundred and ninety-five bushels, &c.*

The restrictions of Great Britain on American commerce were many and burdensome. So early as 1621, an order of the king in council declared that no tobacco or other productions of the colonies should be carried into any foreign ports, until they were first landed in England, and the duties paid thereon. In 1651, the celebrated navigation act, to which England owes much of her commercial and maritime greatness, was passed. This act, confirmed by the 12 Charles II.

* The reader may find in 2 Proud, 271, some instructive statistical tables, of exports from the province. We have given above the chief articles which were of Pennsylvania origin.

1660, restricted the trade with the plantations, as well as with other parts of the world, to English built ships belonging to English subjects; with the exception of such articles of merchandise as should be imported directly from the original places of their growth or manufacture in Europe, only. The latter act directed, that sugars, tobacco, cotton, wool, indigo, ginger, fustic, and other dye-woods, should be carried only to England, Ireland, or Wales, or to other British plantations; and subsequent acts of parliament, included in the list of prohibited commodities, most other articles of commerce. Not contented with thus confining the colonial export trade to the parent country, parliament, in 1663, limited their import trade in the same manner, declaring "that no commodity of the growth or manufacture of Europe shall be imported into any of the king's plantations, which are, or shall be, in Asia, Africa, or America, but what shall have been shipped in England, Wales, or town of Berwick, and in English built shipping, whereof the master and three-fourths of the marines are English, and carried directly thence to the said plantations."

The policy of establishing colonies is declared, by the preamble of that act, "that they might be beneficial and advantageous to England, in the employment and increase of English shipping and seamen, the vent of English woollens, and other manufactures and commodities, rendering the navigation to and from the same safe and cheap, and making this kingdom a staple not only of the commodities of those plantations, but also of other countries and places supplying them." More effectually to enforce this act, the governors of the colonies were required to take an oath to do their utmost to cause the same to be obeyed; and if, after having taken such oath, they failed in the duty imposed by it, they were not only to be removed from office, and be rendered incapable of governing any colony, but were to forfeit one thousand pounds. These acts still left the trade and intercourse between the colonies free; but this privilege remained to them for a short period only. In 1672, duties were imposed on many commodities transported from one colony to another.

The same jealous spirit which confined the commercial energies of the colonies, restricted their advancement in manufactures and the arts. The handicrafts, which were indispensable for the supply of agricultural implements, the purposes of simple architecture, and other primitive wants, took vigorous root in Pennsylvania immediately on the foundation of the city. Many of the first settlers were mechanics, who found ample employment in supplying the wants generated by the rapid progress of the infant city. The Indian trade supplied furs for hatters, and skins soon became abundant for the workers in leather. The wood of the country, its walnut, maple, oak, ash, and cherry, furnished material for carpenters, joiners, wheel-wrights and wagon makers; and in the skill of their imported servants, especially the Germans, the colonists soon found the means to supply almost all their wants of first necessity, with many of the comforts and some of the luxuries of the mechanic arts. So remarkable was the industry and success of the colonists in these branches, that complaints were made to parliament by interested individuals, that their progress was detrimental to Great Britain. The parent state, with great maternal kindness to her children at home, but with the indifference of a step-mother for those abroad, readily adopted measures to check their envied prosperity. So early as 1699, the wool, yarn, and woollen manufactures of the colonies were forbidden "to be shipped there, or even laden, in order to be transported from thence to any place whatever." And in 1719, the commons declared, "that the erecting manufactories in the colonies tended to lessen their dependance on Great Britain." In 1732, hats were subjected to the same restrictions as woollen manufactures, and hatters were forbidden to employ more than *two* apprentices at once, or any black or negro, at their trade, or to make hats, unless they had served an apprenticeship of seven years. In 1750, whilst pig and bar iron were allowed to be imported, duty free, to Great Britain, the colonists were denied the privilege of erecting any mill or other engine for slitting or rolling iron, or any plating forge to work with a tilt hammer, or any

furnace for making steel, under the penalty of two hundred pounds. The restrictions on the manufacture of iron were grievous, and were frequently complained of; but the prohibition to export manufactures of wool and fur, were not onerous in a country which consumed much more than its own labourers could supply, and did not at all interfere with domestic manufactures, properly so called. In Pennsylvania every substantial farmer, and most of his labourers, manufactured their ordinary clothing; strong linen shirts, striped linseys, and coarse, but strong and durable cloths, left them in no want of foreign aid, except for the holyday suit. Among the exports of Pennsylvania, immediately prior to the revolution, loaf sugar, soap, candles, beer and starch, in considerable quantities, are enumerated; and we may also mention again, the noble manufacture of ships, which distinguished the city. The extensive manufacture of ships includes many accessaries. The smith, the rope-maker, sail-maker, carpenter, joiner, &c. must have possessed skill and capital to attain the distinguished reputation they enjoyed.

VI. In speaking of the literature of a people whose whole time was almost indispensable for obtaining the first necessaries and comforts of life, it might be sufficient praise to say, that the love of letters was never extinguished. But much and early attention was given to this important subject; and if education was not as general among the inhabitants of Pennsylvania, as among those of New England, it should be ascribed rather to the heterogeneous character of her population, which even yet is not perfectly amalgamated, than to a want of due consideration of its value. In 1683, before our ancestors had covered themselves from the weather, a school was opened in the city of Philadelphia.* Within six years afterwards, the Friends' public school was established, and in 1697, it received from the proprietary its first charter of incorporation, which was enlarged in 1708 and 1711.

Other schools were also established before 1698. A pub-

* Journals of council.

lic school or academy was opened at Germantown before 1749, and a building was commenced by subscription, which was afterwards finished by lottery. In 1749, the academy and charitable school in Philadelphia was originated, and chartered by the proprietaries. In 1755 a college was engrafted on the original academy, and a new charter was granted, incorporating "the college, academy, and charitable school of Philadelphia, in Pennsylvania," and granting to this institution the power to appoint professors, and confer degrees in the various arts and sciences. In 1764 the foundation of the present medical school was laid, and professors appointed in anatomy, botany, chemistry, the materia medica, the theory and practice of physic, and for the delivery of clinical lectures. This institution, afterwards erected into an university, was guided and directed by the intelligence, zeal, and public spirit of its provost, Dr. William Smith.

"Within four years from the time our ancestors landed in the wilderness, a printing press was at work in Philadelphia, sowing broad-cast the seed of knowledge and morality."* This press was owned and conducted by William Bradford, and an almanack was printed on it in 1687. During the Keithean controversy, many polemical pamphlets were published, and the native literature of the province was pretty much confined to sectarian or political squabbles, in which, to the praise of the constitution be it spoken, much ink, but no blood was shed. Before the year 1697, a paper mill was erected in the province, near Germantown, by an ancestor of the celebrated Rittenhouse.

In 1719, a newspaper, the American Weekly Mercury, was first published by Andrew Bradford. Nine years afterwards, Keimer published a second newspaper, called the "Universal Instructer in all Arts and Sciences, and Pennsylvania Gazette," which laboured feebly under the neglect and inability of its first proprietor, but became a vigorous and efficient journal when subsequently owned and directed by Franklin. In 1739 a German paper was published at Ger-

* Notes on the literature of Pennsylvania, by T. I. Wharton.

mantown, and in the succeeding year, another at Philadelphia, by J. Crellius, under the direction of Dr. William Smith. The Pennsylvania Journal and Weekly Advertiser was issued on the second of December, 1742, and several other journals shortly after arose with various success. In 1760 there were five newspapers published in the province, all weekly: three of them in the city, one in Germantown, and one in Lancaster. Between 1741 and 1776, several magazines were attempted, none of which lived more than a year, except the Pennsylvania Magazine, printed by Aiken, and edited by the celebrated Thomas Paine, which flourished about eighteen months.

To Franklin, Pennsylvania is indebted for many institutions and improvements. Upon his suggestion, the college was founded, and in 1744 the American philosophical society was established. Out of a literary association formed by him, grew also the Philadelphia library, to which the present moral and literary character of Philadelphia may be justly ascribed. In 1769, the philosophical society having been joined by another association for promoting useful knowledge, established in 1766, was new modelled, retaining its former title. The first volume of its transactions, containing observations on the transit of Venus in June, 1769, has been highly praised by the learned of Europe.

In most of the sciences and liberal arts, Pennsylvania possessed before the revolution distinguished men. Thomas Lloyd, David Lloyd, James Logan, Pastorius, Kelpius, and others of the early settlers, had the advantages of classical education, and were no mean scholars. James Logan was distinguished by his writings in the Latin tongue, and by his encouragement of literary and ingenious men. His library, which would have been worthy of note, as the collection of a private scholar, of limited means, in Europe, now forms a conspicuous part of the Philadelphia library, to which he was otherwise a great benefactor. In the academy, the zealous and learned provost, Dr. William Smith, who was esteemed in Europe and America, was aided by men of competent learning, such as Francis Allison, Beverly, Grew, and others.

In mathematics and astronomy, Pennsylvania possessed Thomas Godfrey, the inventor of the (Hadley's) quadrant, the provost Smith, Dr. John Ewing, John Lukens, Andrew Ellicott, and Thomas Hutchins, and above all, the self-formed Rittenhouse, who, as a mechanician and astronomer, was second to none on earth.

In botany and natural history, the name of John Bartram, F. R. S. said, by Linnæus, to have been the greatest natural botanist in the world, stands pre-eminent. In the same department his son became also distinguished, and their favourite science was systematically taught in the Philadelphia college, by Dr. Adam Kuhn, a renowned pupil of the great Swedish naturalist.

Medical science was early and constantly cultivated in Pennsylvania. Thomas Wynne and his brother settled in Philadelphia in 1662. They were succeeded by other able practitioners, among whom was Dr. Griffith Owens. He died in 1717. In the same year Dr. Græme settled in Philadelphia. Dr. Lloyd Zachary, much distinguished and beloved, was his cotemporary. To these may be added the names of Doctors Kearsly, senior and junior, Cadwallader Evans, and the brothers, Thomas and Phineas Bond. Doctors William Shippen and John Morgan are remembered as the founders of the medical school of Philadelphia; and Dr. Benjamin Rush, the learned and able professor of the institutes of medicine, is known to both hemispheres as a man of general learning, originality in his profession, and as a statesman and philanthropist.

In moral and natural philosophy, and in the science of the world, the venerable Franklin was unrivalled; with his name may be joined those of Dickinson and Hamilton, both remarkable for correct political views, and distinguished for their forensic eloquence.

Nor is provincial Pennsylvania altogether without claims to proficiency in poetry. Neither the Latin poems of Mackin, nor the more meritorious ones of Beveridge, are entitled to much consideration; but that the one was encouraged to write, and the other to publish poems, in a dead language, at the

periods of their respective labours, is honourable to the province. Watson and Osborne were early poets, whose names have been rescued from oblivion by the memoirs of Franklin; and Ralph also, an associate of the philosopher, acquired reputation in London as an historian, and earned, perhaps by the caustic quality of his poetry, the lash of Pope, who has twice introduced him into the Dunciad. Thomas Godfrey, the younger, and his cotemporary and friend, Nathaniel Evans, were poets of taste and feeling, who died young, before their minds were disciplined and matured. The works of both have been collected and published. Francis Hopkinson claims a distinguished place in Pennsylvania history, as a poet, a wit, a mathematician, a chemist, a judge and patriot. His works were chiefly of a fugitive character, and originally appeared in the magazines and newspapers; but after his death, were collected and published in three volumes.

# APPENDIX.

## NOTE A.—Page 7.

The Hudson, like most distinguished streams of our country, has borne many Indian and other names. It would seem that the several tribes on its shores gave it different names, most probably in reference to different parts of the river, which have been taken by the Europeans as the proper names of the stream. Thus it was called *Manahatta*, from an Indian nation near its mouth, bearing that name; *Mahakaneghtac*, or *Mohican-nittuck* and *Mohegan*, from the Mohicans; *Shattemuck*, perhaps a corruption of the former; *Cohetaba* by the Iroquois, (*See Moulton's New York, and authorities there cited.*) By the Dutch and English it was termed the North, to distinguish it from the Delaware, or South, river, and also the Hudson. These appellations are now indiscriminately given to it, by the whole American people. The Dutch also called it *Mauritius river*, in honour of their stadtholder, prince Maurice. It was known by the name of the *Riviere de Montagnes*, from the highlands, through which it ran. This was supposed to have been derived from the Spaniards; but professor Ebeling thinks it a corruption from *Manahattans*.

## B.—10.

The Delaware river was also known by several names among the Indians. *Poutaxat*, (See Campanius,) *Marisqueton*, *Makeriskitton*, and *Makerisk-kiskon*, (See 2 Smith's Laws of Pennsylvania, 110,) *Lenape-wihittuck*, (See Heckewelder's Account of the Indians,) or the stream of the Lenape. By the Dutch it was called *Zuydt*, or South river, Nassau river, Prince Hendricks, or Charles' river; by the Swedes, New Swedeland stream; and by the English, Delaware river. There is some doubt in regard to the origin of the latter name. Campanius says it was so named after Mons. De la Warre, a captain under Jacques Chartier; and that it was discovered in 1600. If this be true, it is singular and curious that it should have received the same name from two persons of different nations, each giving it his own. For Thomas West, lord Delaware, is said to have discovered this river, on his passage to Virginia, in 1610, and to have given it his name. Stith (Hist. of Virginia,) informs us, that on his second voyage, in 1618, lord Delaware died near the mouth of the Delaware bay, which thence took its name from him. In Heylin's Cosmography, originally written in 1648, but continued by Edward Bohun to 1703, this river is called Arasapha.

## C.—14

It seems undoubtedly true, that the Delaware bay and river, below the falls, were entirely abandoned by the Dutch in 1630. But it is possible

that the Minisink settlements on the Delaware, above the Kittatiny or Blue mountain, were made before that time, and were never discontinued. This settlement extends forty miles, on both sides of the river. Tradition, as rendered by Nich. Depuis, a descendant of an original settler, says, "That, in some former age, there came a company of miners from Holland, who were supposed to be rich and great people, from the great labour they had expended in opening two mines, one on the Delaware, where the mountain nearly approaches the lower point of Peraquarry Flat, the other at the north foot of some mountain, near half-way between Delaware and Esopus; and in making the mine road from Delaware to Esopus, a distance of one hundred miles. That large quantities of ore had been drawn upon this road, but it was not known among the present inhabitants whether of lead or silver."

"That the first settlers of the Minisinks came from Holland to seek a place of quiet, being persecuted for their religion: that they were Arminians. They followed the mine road to the large flats on the Delaware: that here the smooth cleared land, and an abundance of large apple trees suited their views: that they *bona fide* bought the improvements of the native Indians, most of whom then removed to the Susquehannah, and that, with such as remained, there was peace and friendship until the year 1755."

In 1729, it is said that the government of Pennsylvania first became acquainted with the settlements at Minisink: they declared, by law, that purchases made there from the Indians should be void; and that the purchaser should be indicted for forcible entry and detainer, according to the laws of England. (I have not, in my researches, discovered this act.)

Nicholas Scull, surveyor-general, was appointed by the government to visit the settlement and investigate the facts. He made his visit, accompanied by John Luken, in 1730. "The Minisink flats were all settled with Hollanders; with several they could only be understood in Indian. At the venerable Samuel Depui's, they found great hospitality, and plenty of the necessaries of life." The admiration of the visiters was much excited by a grove of apple trees, of size far beyond any near Philadelphia.

"S. Depui told them, that, when the rivers were frozen, he had a good road to Esopus from the mine holes, on the mine road, some hundred miles; that he took his wheat and cider there for salt and necessaries; and did not appear to have any knowledge or idea where the river ran, Philadelphia market, or being in the government of Pennsylvania.

"They were of opinion that the first settlements of the Hollanders in Minisink were many years older than William Penn's charter. As S. Depui had treated them so well, they concluded to make a survey of his claim, in order to befriend him if necessary. When they began to survey, the Indians gathered round: an old Indian laid his hand on N. Scull's shoulder, and said, 'put up iron string; go home:' that they quit and returned."—*Letters from Samuel Preston of Stockport, June* 6 *and* 14, 1828, *published in the Register of Pennsylvania, vol. i. No.* 28, *July* 12, 1828.

D.—22.

We are assured by Lindstrom, that a silver mine existed on the eastern shore of the Delaware, in the vicinity of the falls; and that gold was found in considerable quantities higher up the river, on the Jersey side. "The shore before the mountain is covered with pyrites. When the roundest are broken, kernels are found as large as small peas, containing virgin silver. I have broken more than a hundred. A savage Unapois beholding a gold ring of the wife of governor Printz, demanded, why she carried such a trifle. The governor replied, "if you will procure me such trifles, I will reward you with other things suitable for you." "I know," said the Indian, "a mountain filled with such metal." "Behold," rejoined the governor, "what I will

give you for a specimen;" presenting to him at the same time a fathom of red and a fathom of blue frize, some white lead, looking-glasses, bodkins, and needles, declaring, that he would cause him to be accompanied by two of his soldiers. But the Indian, refusing this escort, said, that he would first go for a specimen, and, if it gave satisfaction, he might be sent back with some of the governor's people. He promised to give a specimen, kept the presents, and went away; and, after some days, returned with a lump of ore as large as his doubled fist, of which the governor made proof, found it of good quality, and extracted from it a considerable quantity of gold, which he manufactured into rings and bracelets. He promised the Indian further presents, if he would discover the situation of this mountain. The Indian consented, but demanded a delay of a few days, when he could spare more time. Content with this, Printz gave him more presents. The savage, having returned to his nation, boasted of his gifts, and declared the reason of their presentation. But he was assassinated by the sachem and his companions, lest he should betray the situation of this gold mine; they fearing its ruin if it were discovered by us. It is still unknown."—*Extract from Lindstrom's MS. Journal. Am. Phil. Soc.*

E.—25.

The following is the frame of government designed for this vice-royalty: "First, the lord head governor, a deputy-governor, secretary of estate, or seal-keeper, and twelve of the council of state or upper house; and these, or five of them, is also a chancery court. Next, out of counties and towns, at a free election, and day prefixed, thirty burgesses or commons; once yearly, the 10th of November, these meet as a parliament, or grand assembly, and make laws, &c.—Appeals are here also tried, all criminal cases for life, above only by two jurics, or actions at law a jury on either side may be called, and by them tried; and any before judgment may stop the law and be tried in equity. The two months' court may try, before four justices of peace, any action not exceeding 10*l.* or 1500 lbs. of tobacco, at 4*s.* charge only, and plead without atturney: an appeal lyeth thence to each quarter, or chancery first court above, and from thence an appeal to the grand assembly; any matter under 40*s.* value, or 200 lbs. of tobacco, to be ended by the next justice, at 1*s.* charge; no deposition to be taken but before two justices, whereof one of the quorum, or in court, or before a council, or of estate: and here is no jeofails, nor demurrers, but summary hearing, and a sheriff and clerk of court, with small fees, ends all, for the most part, in a few words."

On religious subjects, the views of the adventurers were liberal for the age. Our author says, "For religion, it being in England yet unsettled, several translations of Bibles, and those expounded to each man's fancy, breeds new sects, I conceive the Holland way, now practised, best to content all parties; first, by act of parliament, or grand assembly, to settle and establish all the fundamentals necessary to salvation, as the three creeds, the ten commandments, preaching on the Lord's day, and great days, and catechizing in the afternoon, the sacrament of the altar, and baptisme; but no persecution to any dissenting, and to all such, as to the Walloons, free chapels; and to punish all, as seditious, and for contempt, as bitter rail and condemn others of the contrary; for this argument or perswasion, all religion, ceremonies, or church discipline, should be acted in mildness, love, and charity, and gentle language, not to disturb the peace or quiet of the inhabitants, but therein to obey the civil magistrate."

Among other inducements to adventurers, the following description is given of a part of the country: "Not far off are rich lead mines, containing silver tried, and iron stone, and by it, waters and falls to drive them, in an uninhabited desert; no Christians or Indians neer it; where elkes, stagges, and deer, are most quiet, most fat, and not disturbed, so as five men, in three

or four days, kill and salt sixty deer, or a hundred and twenty sides, for summer's food; four or five hundred turkeys in a flock, swans, hoopers, geese, ducks, teles, and other fowles, a mile square, and seven mile together, on the shores, for here is all chesnuts, wallnuts, and mastberries, and March seeds, wild oates, and vetches, to feed them. Neer hand is also, in August, custard-apples, and papawes, to make the best perry English, for 100 tuns in a place, and all plums, hurtle-berries, black cherries, wilde anniseed, persimenas, and other dainty fruits and roots are had, as in all the hugh long meads and marshes, sweet seg-roots, ground nuts, tucaho and cuttinamen roots for hogs, and whole warrens, and berries of sweet muskrats; and here black bears and lions, feeding on sweet foods, are killed and eaten. By the head of Chesapeake river, by Tompkins and Walton, was seen a camel mare, brown-black, seven feet high, of which three hundred mile westward are stores; their skins, brought and sold by the Indians, confirm it."

The cost of equipping and transporting a man to this country, was estimated at 10*l.*: and "all adventurers of 500*l.* to bring fifty men, shall have five thousand acres, and a manor with royalties, at 5*s.* rent, and whosoever is willing so to transport himself or servant, at 10*l.* per man, shall for each man have one hundred acres freely granted for ever, and at, may be instructed how in a month to pass, and in twenty days to get fit servants, and artificers, for wages, diet, and clothes, and apprentices, according to the three statutes 5 Eliz., all which, after five years' services, are to have thirty acres of free land, and some stock, and bee freeholders."

### Boundary of the Grant to the Duke of York.

The following was the boundary of the grant to the duke of York in 1674. All that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland, in America; and from thence, extending along the sea-coast, unto a certain place, Pemaque or Pemaquid, and so up the river thereof to the furthermost head of the same, as it leadeth northward; and extending from thence to the river of Kimbequin, and so upwards and by the shortest route to the river of Canada northward: and also all that island or islands commonly called by the several name or names Meitowacks, or Long island, situate and lying towards the west of Cape Cod, and the narrow Higansetts, abutting upon the main land between the two rivers, there called or known by the several names of Connecticut and Hudson rivers; and all the land from the west side of Connecticut river to the east side of the Delaware bay; and also all those several islands called or known by the name of Martin's Vineyard, or Nantuck, otherwise Nantucket, &c.

F.—35.

This was the Indian money, by the natives called *wampum*, an Iroquois word, meaning a muscle; by the Dutch *sewant*. It is worked out of shells into the form of beads, and perforated to string on leather. Six beads were formally valued at a stiver, twenty stivers made a guilder, valued at six-pence currency, or four-pence sterling. The white wampum was worked out of the inside of the great conques. The black or purple was formed from the clam or muscle shell. These strung on leather formed strings; and several strings, increased according to the importance of the occasion, formed a belt of wampum.—1 *Proud*, 134.

Before the advent of the Europeans, the Indians made their strings and belts chiefly of small pieces of wood, stained black or white. For want of proper tools, few were made of shells, though such were highly valued. But the Europeans soon manufactured them of the latter material, neatly, and in

great abundance, which they used with great advantage in their trade with the Indians, and caused the disuse of the wooden beads.

Among the Indians, the wealth of an individual was computed from the quantity he possessed of this article. It was used not only as a medium of commercial exchange, but for the registry of important public and private transactions, and as an instrument of solemn communication between tribe and tribe, by which their messages were explained and preserved, and their agreements sanctioned.

G.—36.

The magistrates appointed by commission of Andross for one year were,

For the up-river jurisdiction, Peter Cock, Peter Rambo, Israel Holme, Laes Andriesson Woole, Swaine Otto, Earnest Cock.

For the jurisdiction of Newcastle and its dependencies, John Moll, Henry Ward, William Tomm, William Foppe Outhout, John Paul Jaquett, Garrett Otto.

For the jurisdiction at Hoarkill, Hermanus Wiltbank, Edward Southcrew, Alexander Moleston, John King, and Paul Mash.

Three of these justices formed a quorum.

H.—49.

The rights exercised by the *Mengwe* over the Delawares, &c., were certainly those of conquest. They maintained their right to the lands far south of New York, and east and west of the Allegheny mountains. In 1768, the king of England purchased from the Six nations the country between the Virginia parallels of latitude west of these mountains. And these tribes also claimed the soil of Pennsylvania, but frequently gave large portions of the consideration received at sales, to the Delawares, whom they always reproved for their presumption, when they attempted to sell lands in their own right. A memorable instance of this occurred at a treaty with governor Thomas at Philadelphia, in 1742. A dispute existed between the proprietaries and a tribe of the Delawares, relative to a purchase of lands in the forks of the Delaware, usually called the walking purchase. The latter not only refused to yield the lands they had sold, but threatened to maintain possession by force. Under these circumstances, the influence of the Six nations was solicited by governor Thomas. They sent down two hundred and thirty warriors. At the council then held, *Canassatego*, a *Mengwe* chief, "in the name of the deputies, told the governor, 'That they saw the Delawares had been an unruly people, and were altogether in the wrong; that they had concluded to remove them, and oblige them to go over the river Delaware, and quit all claim to any lands on this side for the future, since they had received pay for them, and it is gone through their guts long ago. They deserved,' he said, 'to be taken by the hair of the head, and shaken severely, till they recovered their senses, and became sober; that he had seen with his eyes a deed signed by nine of their ancestors above fifty years ago for this very land, (1686,) and a release signed not many years since, (1737,) by some of themselves, and chiefs yet living, (*Nutimus* and *Sassoonan* then present,) to the number of fifteen and upwards; but how come you,' continued he to the Delawares, 'to take upon you to sell lands at all? We conquered you; we made women of you; you know you are women, and can no more sell land than women; nor is it fit you should have the power of selling lands, since you would abuse it. This land that you claim is gone through your guts; you have been furnished with clothes, meat, and drink, by the goods paid you for it, and now you want it again, like children as you are. But what makes you sell lands in the dark? Did you ever tell us that you had sold this land? Did we ever receive any part, even the value of a pipe shank, from you for it?

You have told us a blind story, that you sent a messenger to us, to inform us of the sale; but he never came amongst us, nor did we ever hear any thing about it. This is acting in the dark, and very different from the conduct our Six nations observe in the sales of land. On such occasions, they give public notice, and invite all the Indians of their united nations, and give them all a share of the present they receive for their lands. This is the behaviour of the wise united nations. But we find you are none of our blood; you act a dishonest part, not only in this, but in other matters; your ears are ever open to slanderous reports about your brethren. For all these reasons, *we charge you to remove instantly; we don't give you liberty to think about it.* You are women. Take the advice of a wise man, and remove instantly. You may return to the other side of Delaware, where you came from; but we do not know whether, considering how you have demeaned yourselves, you will be permitted to live there, or whether you have not swallowed that land down your throats, as well as the land on this side. We, therefore, assign you two places to go to, either to Wyoming or Shamokin. You may go to either of these places, and then we shall have you more under our eye, and shall see how you behave. *Don't deliberate, but remove away,* and take this belt of wampum.' He then forbid them ever to intermeddle in land affairs, or ever thereafter pretend to sell any land; and commanded them, as he had something to transact with the English, immediately to depart the council.

"The Delawares dared not disobey this peremptory command. They immediately left the council, and soon after removed from the forks; some, it is said, went to Wyoming and Shamokin, and some to the Ohio."—2 *Smith's Laws of Pennsylvania.*

At a conference holden at Philadelphia, May 19, 1712, by governor Gookin, with the Delawares, they acknowledged that they had been conquered by the Five nations, and that they owed and paid them tribute. They exhibited to the governor a pipe, which they had received from their conquerors, which was a badge of vassalage, and symbol of protection against all who, recognising the sign, should dare to molest the dependants of that haughty confederation. The Delawares also exhibited a belt, which, they said, was from one who at the time of their submission was an infant, an orphan son of a considerable man amongst them. The tribute on this occasion consisted of thirty-two wampum belts, sent by women principally, accompanied with some short and pithy sentiment of the donors, friendly to the Five nations, and expressive of gratitude for their protection.—*Minutes of council of Pennsylvania.*

The following account, given by Cadwallader Colden, in his history of the Five nations, is altogether incompatible with the tradition of the Lenape. "About the year 1664, the Five nations, being amply supplied with fire-arms and ammunition, gave a full swing to their warlike genius; they carried their arms as far south as Carolina, to the northward of New England, and as far west as the Mississippi, over a vast country, which extended twelve hundred miles in length, and six hundred in breadth; where they entirely destroyed whole nations, of whom there are no accounts remaining among the English." Governor Pownal speaks to the same effect, in his work entitled "the administration of the colonies."

Such was the authority exercised by the Six nations over the Lenape, that the missionaries to the latter found it necessary for their safety to obtain the approbation of the former.—*Heck. Nar.* 32.

It is said, that the Five nations, having captured a part of the Shawanese tribe, on the Wabash, gave them permission, at the instance of William Penn, to settle in the western part of Pennsylvania, but obliged them, as a badge of cowardice and servitude, to wear female attire for a long time, and forbade them, as late as 1769, to appear ornamented with paint, at any

general meeting where the confederates attended.—*De Witt Clinton's address before the New York Historical Society*, 1811, *cites Rogers' concise account, &c.*

I.—58.

The power of taxation reserved to the British parliament, was specially referred to, in the house of lords, (November 11th, 1775.) Upon the examination of Mr. Richard Penn, in relation to American affairs, Lord Denbigh inquired of the witness, "Whether he knew there was a clause in the Pennsylvania charter, which specifically subjected the colony to taxation by the British legislature.

*Ans.* He was well apprized that there was such a clause.

*Quest.* Were the people of Pennsylvania content with their charter?

*Ans.* Perfectly content.

*Quest.* Then did they not acquiesce in the right of the British parliament to enforce taxation?

*Ans.* They acquiesced in a declaration of the right, so long as they experienced no inconvenience from the declaration.

K.—59.

Among the passengers in the first ships, were John Otter, Nathaniel Allen, and Edmund Lovett, and several servants of William Penn. Joseph Kirkbride was among the last, who afterwards became a person of great importance in the province—a magistrate, preacher among Friends, and oftentimes member of the assembly. He settled in Bucks county, where he died in January, 1737.—1 *Proud*, 193.

The curious reader may find in Proud's introduction, many notices of early settlers, the progenitors of families now widely extended.

The name of Chester was given to Upland by William Penn, in honour of his friend Pearson, who was from a city of that name in England.

"At this place, the Quakers had meetings for Divine worship regularly, from the year 1675, in which year Robert Wade and divers others came over; at whose house the first meeting of record at this place was held on the tenth of the 11th month, 1681.

"Among the eminent persons of this society, who settled in and near this place in these early times, were Thomas Vernon, John Bewater, Thomas Minshall, Bartholomew Coppack, John Edge, &c.; David Jones, at Goshen; William Woodmanson, at Harold; John Simcocke, at Ridley; Nicholas Newlin, &c.—1 *Proud*, 218.

L.—65.

The enjoyment of political rights over the territories, by the Penn family, was certainly singular. The deeds of feoffment from the duke of York conveyed no powers of government; nor does it appear that William Penn relied upon them for maintaining his alleged right. In a letter dated June 10th, 1691, addressed to some friends in the province, he said, "I would also you should know I have a *patent* of the lower counties, some years since, that, when there is occasion for it, you may allege so, but not otherwise."* It is difficult to conjecture a reason for concealing this patent, since its production would have removed the principal reason urged at various times, both by the province and territories, for the separation into distinct governments; and would have taken away all grounds for the cabals which were occasionally formed in the territories against the proprietary power. Had such a patent existed, it is not probable that the earl of Sutherland would have applied for a grant of the territories in 1717, or that

* 1 Proud, 202, Note.

the crown would have accompanied the ratification of the proprietary nomination of deputies, with a protest of its right over the territories. The acquiescence of the crown in this assumption of the Pennsylvania proprietaries, may be ascribed to the small value of the territorial government, the salary which it could pay to the deputy-governor, being inadequate to his maintainance.

M.—66.

Penn sailed in the ship Welcome, of three hundred tons burthen, Robert Greenaway, master. He embarked on the sixth of August, but did not get to sea until about the first of September, since he addressed a valedictory epistle to England, containing "a salutation to all faithful friends," dated the thirtieth of August. I have accordingly stated, in the text, the time of his departure to be September.—*See note in* 1 *Proud*, 218.

N.—74.

I had prepared an elaborate note on the dispute relative to boundaries between Maryland and Pennsylvania; but the subject having but little interest, except for professional men, and that of a local nature, and being well treated in the memoir of James Dunlap, Esq. in the first number of the proceedings of the Pennsylvania Historical Society, I have gladly dispensed with the note which was designed for this place.

O.—75.

This tree was long revered by the colonists and Indians. During the revolutionary war the British general Simcoe, who was quartered at Kensington, so regarded it, that whilst his soldiers were felling the trees of the vicinity for fuel, he placed a sentinel under this, that not a branch of it might be touched. In 1810 it was blown down, and cups, and workstands, and other articles of furniture, were made from it, to be preserved as memorials. It was then ascertained to be two hundred and eighty-three years old, having been one hundred and fifty-five years old at the time of the conference.—*Notice by sir B. West, reported by R. Vaux, esq., member of the Historical Society of Pennsylvania*, 1825—p. 97—*Clarkson.*

The Penn Society of Philadelphia, at the suggestion of R. Vaux, esq., have erected a marble monument on the spot where the "*Treaty Elm*" stood, on the bank of the Delaware, near the intersection of Hanover and Beach streets, Kensington. The monument bears the following inscriptions:

*On the North.*
Treaty Ground
of
William Penn
and the
Indian natives,
1682.

*On the South.*
William Penn
Born 1614.
Died 1718.

*On the West.*
Placed by the Penn
Society,
A. D. 1827,
To mark the site
of the
Great Elm Tree.

*On the East.*
Pennsylvania,
Founded
1681,
By deeds of Peace.

"Our celebrated countryman, the late sir Benjamin West, executed in 1775 an historical picture of the treaty of 1682, which he inscribed to the proprietaries of Pennsylvania. The original painting is in the possession of John Penn, Esq." "One of the five dignified individuals represented as present with the proprietary at that treaty, was the grandfather of West,

and the painter has given a likeness of his ancestor in the imposing group of patriarchs."—*Mem. of R. Vaux, Esq.*

It has been doubted whether the conference between William Penn and the Indians, of the fourteenth of December, 1682, was holden under the Great Elm, at Shackamaxon, and whether it was accompanied by a formal treaty. If we suffer ourselves to doubt of these facts, historical tradition is unworthy of acceptance, and little credit can be given to ordinary historical testimony.

William Penn lived in friendly and familiar intercourse with the Indians, and must have associated much with them, since in his letter to the committee of the Free Society of Traders, the sixteenth of August, 1683. (1 *Proud*, 246,) he observes, that he "made it his business to understand their language, that he might not want an interpreter on any occasion;" and it is probable that he held many conferences, more or less public, with the several tribes, who naturally sought a personal acquaintance with one who had power to serve them essentially. Some of these conferences were probably holden at Chester, some at Philadelphia, and others at Pennsbury. But the great conference held for the confirmation of the treaty of amity, made by the commissioners of the proprietary before his arrival, was holden at Shackamaxon on the fourteenth of December, 1682. This is confirmed by uncontradicted tradition for near a century and a half. Mr. Clarkson, who had a full opportunity of conferring with the Penn family, whilst regretting the want of written evidence on this subject, assures us that what he has advanced may be depended upon; and to him I am indebted for the principal facts I have stated in regard to the treaty. And it is probable that Mr. C. had from the family the fact, that the Indians, in 1722, at a conference held with governor Keith, exhibited the roll of parchment containing the treaty; and it would seem that a copy of the conference at least, held at the making of this treaty, was once in the office of the secretary of the commonwealth; since Mr. R. Conyngham assures me, that he discovered an envelope in a bundle of papers there, relating to the Shawanese Indians, with the following endorsement: "Minutes of the Indian conference in relation to the great treaty made with William Penn, at the Big Tree, Shackamaxon, on the fourteenth of the tenth month, 1682." Unfortunately, the valuable papers which the envelope contained are no longer to be found. The language which the tradition among the whites ascribes to William Penn at this conference, is also that which tradition has preserved among the Indians. The promises made by him of protection, and common enjoyment of the soil, were repeated by the Conestoga Indians at the treaty with sir William Keith, in 1722; and *Tawenna*, a chief of the same tribe, at a treaty held with governor Gordon, at Philadelphia, May 26th, 1729, recapitulated a speech which he said William Penn had made them, very similar to that delivered under the Elm.

The treaty contained in the roll of parchment delivered by Penn to the Indians under the Elm, was probably made by his commissioners, William Crispin, John Bezar, and Nathaniel Allen, pursuant to the proprietary's ninth instruction, which was in the following terms: "Be tender of offending the Indians, and hearken, by honest spies, if you can hear that any body inveigles the Indians, not to sell or to stand off, and raise the value upon you. You cannot want those that will inform you, but to soften them to me and the people, let them know that you are come to sit down lovingly among them. Let my letter and conditions, with my purchasers about just dealing with them, be read in their tongue, that they may see we have their good in our eye equal with our own interest; and after reading my letter, and the said conditions, then present their kings, with what I send them, and *make a friendship and league* with them, according to those conditions, which carefully observe, and get them to comply with you; be grave, they love not to be smiled on." For the ratification

of this friendship and league, and the further propitiation of the Indians, the conference was holden. The treaty then executed, containing covenants of protection and kindness, was delivered to the Indians, and was by them carefully preserved at least forty years before its exhibition to governor Keith, and may possibly now be in the possession of their descendants. The treaties which were held about this time, for the sale of lands, very properly concluded in written deeds, which are duly preserved in the public offices. Several of these deeds, and it is believed all of them, have been given to us by Mr. Smith, in his valuable treatise on the land laws. He does not mention the treaty under the elm, and the reason is, obviously, because it was unattended and unconnected with any deed, and no written memorial, other than the minutes of the conference had been taken.

P.—*77.*

In performance of the stipulation made by William Penn, in his conditions with the first adventurers and purchasers, (see page 59,) he instructed his commissioners, Crispin, Bezar, and Allen, "that the creeks should be sounded on my side of Delaware river, especially Upland, in order to settle a great towne, and be sure to make your choice where it is most navigable, high, dry, and healthy. That is, where most ships may best ride, of deepest draught of water, if possible, to load or unload, at ye Bank or key side, without boating and litering it. It would do well if the river coming into yt creek be navigable, at least for boats up into the country, and yt the scituation be high, at least dry and sound, and not swampy, wch is best knowne by digging up two or three earths, and seeing the bottom."

How extensive were the views of William Penn in relation to his city, will appear from the following extract, also from his instruction to his commissioners.

"Such a place being found out for navigation, healthy scituation and good soyle for provision, lay out ten thousand acres contiguous to it in the best manner you can, as the bounds and extent of the libertyes of the said towne.

"The proportion in the said towne is to be thus, every share or five thousand acres shall have an hundred acres of land, out of ye ten thousand acres. If more than one be concerned in the share, as it may easily fall out, then they to agree of ye dividing ye same as they shall think fit, still keeping to proportion, as if one hundred pounds will have an hundred acres, five pounds will have five acres.

"That no more Land be surveyed or sett out, till this be first fixt, and ye people upon it, wch is best, both for Comfort, Safety, and Traffique. In the next season the Lord willing I shall be with you, and then I shall proceede to larger Lotte: This was ye Resolution of a great part of the Purchassers at London the fifteenth day of Septemb 1681 and I find it generally approved.

"If it should happen yt the most Convenient place for this great Towne should be already taken up in greater quantity of Land then is Consistent wth the Town Plott, and yt Land not already improved, you must use yor utmost skill to perswade them to part wth so much as will be necessary, that so necessary and good a designe be not spoiled, that is, where they have Ten Acres by ye Water side, to abate five, and to take five more backward, and so proportionably, because yt by the Settlement of this Towne, the remaining five in two or three years time will be worth twice as much as those Ten before, yea wt they take backward for their water-side Land will in a little more time, be really more vallueable then all their Ten forward was before; urging my regard to them if they will not break this great, and good Contrivance; and in my Name promise them wt gra-

tuity or priviledge you think fitt, as having a new graunt at their old rent; nay, halfe their quit-rent abated, yea, make them as free Purchasers, rather then disappoint my mind in this Township: though herein, be as sparing as ever you can, and urge the weak bottome of their Graunte, the D. of Yorke having never had a graunt from the King &c Be impartially just and Courteous to all, That is both pleasing to ye Lord, and wise in itselfe.

"If you gain yor point in this respect, (of wch be very carefull) fall to dividing as before according to shares; then subdivide in wch observe yt you must narrower spread by the Water side, and run Backwarde more or lesse, according to the Compasse you have by the Waterside, to bring in the hundred Shares for their Proportion in the said Ten Thousand Acres.

"But if you cannot find land enough by ye Water side to allow an Hundred Acres to five Thousand Acres. Get wt you can, and proportionably divide it, though it were but fifty acres for a Share.

"Be sure to Settle the figure of the Towne so as yt the streets hereafter may be uniforme downe to the Water from the Country bounds, lett ye place for the Store house be on the middle of the Key, wch will yet serve for Market and State houses too. This may be ordered when I come, only let the Houses built be in a line, or upon a Line as much as may be.

"Pitch upon the very middle of the Platt where the Towne or line of Houses is to be laid or run facing the Harbour and great River for the scituation of my house, and let it be not the tenth part of the Towne, as the Conditions say (viz) yt out of every hundred Thousand Acres shall be reserved to mee Ten, But I shall be contented wth less than a thirtyeth part, to witt Three Hundred acres, whereas severall will have Two by purchaseing Two Shares, yt is Ten Thousand Acres, and it may be fitting for mee to exceede a little.

"The Distance of each House from the Creek or Harbor should be in my Judgt a measured quarter of a Mile, at least two hundred paces, because of building hereafter, streets downewards to ye Harbor.

"Let every House be placed, if the Person pleases in ye middle of its platt as to the breadth way of it, that so there may be ground on each side, for Gardens or Orchards or fields, yt it may be a greene Country Towne, wch will never be burnt, and allwayes be wholsome.

"I Judge yt you must be guided in yor breadth of Land by wt you can get, yt is unplanted, and will not be parted wth, but so far as I can guesse at this Distance methinks in a Citty, each share to have fifty Poles upon ye Front to ye River, and ye rest Backward will be sufficient. But perhaps you may have more, and perhaps you will not have so much space to allow, Herein follow your Land and Scituation, being always just to proportion."

It is not probable that Chester detained the attention of the commissioners, since it was wanting in almost all the requisites for a large city. At one time it was proposed to locate the city on Pennsbury manor, a situation still more unfit than Chester; and at another, tradition assures us, it was proposed to build it near the lower side of the Poquessing Creek, on the Delaware, on an elevated piece of ground.—*See* 2 *Smith's Laws.*

The location of the city was not fixed by the commissioners. It is probable that no place could be found that would bear a town of ten thousand acres, even if such a thing were practicable. But the commissioners, in their exploration of the country, designated to Penn the spot which he so happily selected for Philadelphia.

Before Penn's purchase of the province (10th Dec. 1678) the advantageous position of the present site of Philadelphia, was noted by the passengers on board the Shield, from Hull, Daniel Towes, commander, bound for Burlington. "This was the first ship that came so far up the river Delaware. Opposite to Coaquanock, the Indian name of the place where Philadelphia now stands, which was a bold and high shore, she went so near to it in

turning, that part of the tackling struck the trees; some of the passengers expressing, "It was a fine situation for a town." (1 *Proud*, 149.) Mr. Proud adds, "the people next morning went on shore upon the ice, so hard and so suddenly had it frozen in the space of one night.

The first house in the city of Philadelphia was built by George Guest, at or near Powell's dock; Guest, for many years, kept a tavern there, called the Blue Anchor. John Key was the first born child, of English parents, in Philadelphia; in compliment, William Penn gave him a lot of ground. He was born in a cave, long afterwards known by the name of the penny-pot, near Sassafras street. He died at his residence at Kennet's Square, on the fifth of July, 1767, in the eighty-fifth year of his age.—*Proud. Watson's MSS. Pennsylvania Register*, 1828.

By the original plan of the city, neither street nor dwelling were designed east of Front street; and Penn long resisted the applications of the inhabitants for permission to build against and upon the bank of the river. But, betrayed by his poverty, he unhappily yielded his assent, to the sale of lots on the bank, and thus deprived his favourite city of a healthful and beautiful promenade, fixing upon it a filthy, dark, and damp margin, which shocks every stranger upon entering it.

In 1690, William Penn published in London, proposals for laying out another city on the Susquehannah, and invited purchasers; but this project never took effect. He stated, as an inducement, the practicability of uniting that river with the Delaware by means of the Schuylkill.—*Hazard's Reg.* 1 vol. 400.

R.—79.

*Names of the Council*—William Markham, Christopher Taylor, Thomas Holme, Lacy Cock, William Haige, John Moll, Ralf Withers, John Simcock, Edward Cantwell, William Clayton, William Biles, James Harrison, William Clark, Francis Whitewell, John Richardson, John Hillyard.

The members of assembly for each county were—

*For Bucks*—William Yardly, Samuel Darke, Robert Lucas, Nicholas Walne, John Wood, John Clowes, Thomas Fitzwater, Robert Hall, James Boyden.

*For Philadelphia*—John Songhurst, John Hart, Walter King, Andros Binkson, John Moon, Thomas Wynne, speaker, Griffith Jones, William Warner, Swan Swanson.

*For Chester*—John Hoskins, Robert Wade, George Wood, John Blunston, Dennis Rochford, Thomas Bracy, John Bezer, John Harding, Joseph Phipps.

*For Newcastle*—John Cann, John Darby, Valentine Hollingsworth, Gasparus Herman, John Dehoaef, James Williams, William Guest, Peter Alrick, Henrick Williams.

*For Kent*—John Biggs, Simon Irons, Thomas Haffold, John Curtis, Robert Bedwell, William Windsmore, John Brinkloe, Daniel Brown, Benony Bishop.

*For Sussex*—Luke Watson, Alexander Draper, William Futcher, Henry Bowman, Alexander Moleston, John Hill, Robert Bracy, John Kipshaven, Cornelius Verhoof.

Captain William Markham, from London, was a relation of the proprietor. He was afterwards sometimes his secretary, and sometimes his deputy-governor. He appears to have been a useful person, of good education, character, and ability. He had the proprietor's confidence and esteem till his death.

Christopher Taylor is said to have been a person of excellent character and ability; he was born in Yorkshire, had a good education, wrote well in the Latin language. He was an eminent preacher among the Quakers, and writ several pieces in defence of their religious principles, in England,

as well as his brother, Thomas Taylor, &c. He was one of the first and principal settlers in the province, under William Penn; and is said to have been of great service in it, in different respects. He died in 1696.

Captain Thomas Holmes came from Waterford, in Ireland. He was one of the people called Quakers, and surveyor-general of the province, appointed by commission, from the proprietor, bearing date the 18th of the second month, 1682.

Lacy Cock appears to have been one of the Swede settlers, prior to William Penn's arrival.

John Simcock came from Ridley, in Cheshire, in England, where he had suffered much for his religion, being a Quaker, and a preacher in that society. He had a good education, was one of the proprietor's first commissioners of property, and one of his most trusty friends in the government. Sometimes he was speaker of the assembly; and is said to have been a very worthy and serviceable person in the province, till his death, both in a religious and civil capacity. He lived in Chester county, and died on the 27th of January, 1702.

William Biles was a preacher among the Quakers, among the first settlers there; where he appears to have taken up land under governor Andros, of New York, prior to William Penn's grant of the province. He is said to have been a very useful person both in the civil and religious line; being often in the council and assembly, &c.

James Harrison came from Boulton, in Lancashire, one of the proprietor's first commissioners of property; was divers years in great esteem with him and his agent, at Pennsbury, &c. being a man of good education, and a preacher among the Quakers, &c.

William Haige, had been a merchant in London.

Ralph Withers, from Bishop's Canning in Wiltshire.

Griffith Jones, from Surry.

Francis Whitewell was counsellor for Kent county. He is said to have been a very serviceable person in the government, among the first and early settlers; a preacher among the Quakers; and every way a very useful and worthy member of society. He died in the year 1684; and William Darval was chosen counsellor in his stead.

Thomas Wynne was speaker of the assembly during the two first years, and was, at other times, a member of it. He was one of the people called Quakers, a preacher among them, and came from North Wales; a person of note and good character. He died in the latter part of the year 1692. He was author of some pieces written in defence of the Quakers, in his native country, &c.

John Moon was originally of Lancashire, in England; afterwards of Bristol. He writ some pieces in defence of the Quakers, in his native country, &c.

John Songhurst came from Sussex, in England, was a writer and preacher among the Quakers. He died in West Jersey, and was buried in Philadelphia, in 1688.—1 *Proud*, 235-6.

S.—82.

The curious reader will find a copy of this trial in Hazard's Pennsylvania Register, vol. 1.

T.—88.

The expenditure of the proprietary must have been very great, and it is difficult to conjecture for what public purpose it was made. The purchase money of the lands he had sold, exclusive of city lots, exceeded 20,000*l.*; to which must be added, 6,000*l.*, which he now said he had laid out, more than he ever saw from the province. It is probable that 16,000*l.* the debt of the crown, is included in this calculation, and also the sum of 7,000*l.*,

spent by him on the manor of Pennsbury. There is also some discrepancy in his statements. In his letters to T. Lloyd, November, 1685, he gives the balance against the province at 4,000*l.* In another letter to the same, of September, 1686, he says 6000*l.*, whilst in his letter of the same month, to James Harrison, he states it at 5000*l.* only. In a letter to J. Logan, 8th mo. 6, 1704, he exclaims, "O Pennsylvania, what hast thou cost me! Above 30,000*l.* more than I ever got by it. Two hazardous and most fatiguing voyages, my straights and slavery here, and my child's soul almost!" The following is an extract from another letter, 14th 7 mo. 1705.

"I have not yet surrendered, and unless I can do it on very valuable terms, I will not, and therefore expect three things, 1st, The condemnation of David Lloyd's proceedings, which thou speakest of, and that, whether I surrender or not, since one or t'other shall make no difference as to my coming to inhabit there, and placing some of my children among them. 2ndly, That no law may be passed, or privilege granted by my lieutenant-governor, till they have settled a revenue of at least 1000*l.* per annum upon the government. I too mournfully remember how noble a law I had of exports and imports when I was first in America, that had been worth by this time many thousands a year, which I suspended receiving for a year or two, and that not without a consideration engaged by several merchants. But Thomas Lloyd, very unhappily for me, my family, and himself, complimented some few selfish spirits, with the repeal thereof, without my final consent, which his commission required, and that has been the source of all my loads and inabilities to support myself under the troubles that have occurred to me, on the account of settling and maintaining the colony; for I spent 10,000*l.* the first two years, as appears by accounts here in England, which, with 3,000*l.* I overspent myself in king James' time, and the war in Ireland that followed, has been the true cause of all my straights I have since laboured under; and no supply coming from Pennsylvania, between my first and second voyage, being fifteen years, to alleviate my burdens, and answer my necessities. To say nothing what my deputy-governors have cost me from the beginning, even in Fletcher's time, and the vast sum of money I have melted away here in London, to hinder much mischief against us, if not to do us much good, which I can solemnly say, has not been less *communibus annis* than 400*l.* per annum, which comes near to 10,000*l.* Lord Baltimore's 2*s.* 8*d.* per hhd. with anchorage, tonnage, and other immunities, is a supply far transcending what I can hope for, though he never took the hundredth part of the concern upon him that I have done; and when they gave it to him they were in poorer circumstances than Pennsylvania is now by many degrees, and I am ashamed to tell thee how opprobriously our people's treatment of me has been styled by people of almost all qualities and stations."

U.—89.

The collection of the quit-rents, and the balance of the tax, was resisted by many. Among others, Joshua Carpenter, who was among the rich of the province, suffered distress to be made, and stood suit by advice of his counsel, D. Lloyd.—*Logan MSS.*

X.—101.

The facts stated in the text certainly warrant the conviction of Keith. But it is difficult not to believe that religious enmity was blended with public justice in promoting it. Some of the offences charged against him in a proclamation of the magistrates were committed in religious debates at church meetings; and, at his trial, Jennings, against whom he had railed, presided, and directed the prosecution with a bitterness and indecorum which would not be tolerated in a judge of the present day. (*See a pamphlet, entitled "New England spirit of persecution transmitted to Pennsylvania."*

Some of the persons who adhered to Keith were of rank and character. Among them were Thomas Budd, George Hutchinson, Robert Turner, Francis Rawle, John Hart, Charles Read, &c. &c.

## Y.—112.

On the fifth of March, 1696, William Penn married his second wife, at Bristol. She was the daughter of Thomas Callowhill, and grand-daughter of Dennis Hollister, an eminent merchant of that city. His first wife, to whom he was married in 1672, was Gulielma Maria Springett, daughter of sir William Springett, of Darling, in Sussex. She died in December, 1693.

## Z.—132.

The following extract from the memorial will give some idea of the feeling of the assembly, and their sense of the services of the proprietary. "When thou entered upon legislation, thou wast pleased to repeal all the laws that were made in colonel Fletcher's time, which were approved by the king or queen, as we were informed, and as some of us gathered by the account thou gave of them, viz. that chancellor Somers had sent for thee to know what thou had to object to any of those laws; and if it had not been for thee, none of them had passed, or words to that effect; and not only so, the people being minded to surrender thy second charter, upon thy promise to give them a better in lieu of it; and under the pretence of passing an act for confirming and securing their lands, thou obtained liberty to re-survey all the lands in the province, and to bring the people to terms for the overplus: so that by this stratagem the warrants, surveys, and new patents, cost the people as much, and to some more, than the first purchase of their lands, besides their long attendance on thy secretary and surveyors to have their business done. But before thou wouldst pass that act, it must be accompanied with an impost or excise, and a two thousand pound bill besides; and all this thou esteemed but inconsiderable, when compared with the vast charge thou hadst been at in the administration and defence of this government since the year 1682: Though we know thy stay here at first coming was not above two years, but went home about the differences between thee and Baltimore, concerning the bounds of the lower counties, and did not return until the year 1699: excusing thy stay by thy service to the nation of England, in general, and thy friends there in particular, (as appears by thy letters from time to time,) whilst the interest of this province was sinking, which might have been upheld by the many wealthy persons that were inclined to transport themselves hither after the route of Monmouth, if thou had then come over, according to thy repeated promises. And how far thy stay has either affected what thou went about, or contributed to the establishment of the inhabitants here, in their just rights, and liberties and properties, we leave thee to demonstrate and the world to judge. In the mean time we desire thee to consider better what to place to account of this province; and do not forget that no part of thy pretended charges was expended in paying some of those who acted under thee in the administration here, one of whom, viz. Thomas Lloyd, served thee in that station about nine years of thy absence, which thou leaves, it seems, for the country to discharge.

"After thou hadst managed these points, and was sent for to England, thou granted the third charter of privileges, by which we are now convened, as also a charter to incorporate the city of Philadelphia, and signed a charter of property, but refused to order thy seal to be affixed thereunto, till thou had advised upon it in England; nevertheless, thou promised, under thy hand, that thou would confirm the first part of it, relating to titles of land, but thou sent thy order under hand and seal, dated within six months after, to countermand the sealing thereof.

"After all the laws were completed for raising all the said taxes and imposts, thou proposed, if thy friends would give thee a sum of money, thou promised to negotiate their affairs at home to the best advantage, and endeavour to procure the approbation of our laws, and a general exemption from oaths. We find that considerable sums have been raised by way of subscription and benevolence for that service: part thou received before thou went, and more have been received by thy secretary since; but we had no account that our laws are approved, nor had we as much as a letter from thee, nor any other intimation, but by the secretary's letters, which he thought fit to communicate by piecemeals; whereby we understand thou hast been making terms for thyself and family, and by what we gather, thou hast been upon surrendering the government; nor are thy friends here eased of oaths, but on the contrary, an order from the queen requiring oaths to be administered to all persons who are willing to take them in all judicatures, whereby the people called Quakers are disabled to sit in courts."—*Hist. Rev.*

A 2.—140.

Proud states that Isaac Norris was one of the companions of Hill on this occasion. But the letters in the Logan MSS. give the place to Fishbourne. Norris, it is believed, was in England at this time.

Richard Hill was born in Maryland, brought up to the sea, and afterwards settled in Philadelphia, having there married the widow of John Delaval, Hannah, the eldest daughter of the late Governor Lloyd, a woman of an excellent character, and very much esteemed and beloved. He was twenty-five years a member of the governor's council, divers times speaker of the assembly, held several offices of trust; was, for several years, first commissioner of property, and, during the last ten years of his life, he was one of the provincial judges.

His services, in the religious society of his friends, the Quakers, of which he was, for many years, an active member, are said likewise to have been very considerable. He had by nature and acquisition such a constant firmness, as furnished him with undaunted resolution to execute whatever he undertook. His sound judgment, his great esteem for the English constitution and laws, his tenderness for the liberty of the subject, and his zeal for preserving the reputable order established in his own religious community, with his great generosity to proper objects, qualified him for the greatest services, in every station in which he was engaged, and rendered him of very great and uncommon value, in the place where he lived. He died in Philadelphia, on the 9th of September, 1729.

Samuel Preston, of Philadelphia, was, for a long time, one of the governor's council, and treasurer of the province of Pennsylvania; which offices he discharged with much honour and fidelity. He was a man of great integrity to what he believed was his duty; his conduct in life very instructive, and his practice a continual series of good offices. He was a person of such remarkable benevolence, and open disposition of mind, as rendered advice and reproof, from him, the more acceptable and serviceable; and being of a fair and clean character, good judgment, and suitable presence of mind, his usefulness, in that capacity, was the more extensive and successful. He was a very valuable member of society, among his friends, the Quakers, undertaking and performing many difficult offices, and social duties therein, with great cheerfulness, alacrity, and utility; and was highly esteemed by them as an elder, who ruled well in his social capacity, and was worthy of double honour. He died in September, 1743, aged about eighty years.—*Proud.*

B 2.—150.

William Penn, jr. was one of the parties at this night brawl, and was

indicted for his conduct there in the city court. He professed the faith of the church of England, but had worn, it would seem, hitherto in the province, a Quaker garb. Upon the institution of this prosecution, he threw off all disguise, abandoned his Quaker connexions, and openly proclaimed his principles. During the riot at the tavern the lights were put out, and one of the peace officers severely caned the governor, renewing his strokes at every declaration he made of his name and rank, as a punishment for uttering scandal against the first officer of the government.—*Logan MSS.*

C 2.—154.

Colonial officers during the government of Evans.

*Counsellors.*—Edward Shippen, Samuel Carpenter, William Trent, Thomas Story, Richard Hill, William Rodney, Caleb Pusey, James Logan.

Joseph Growden, speaker of the assembly; Thomas Story, master of the rolls; William Clark, Edward Shippen, Joseph Growden, and William Guest, judges; colonel Robert Quarry, judge of the admiralty; Samuel Carpenter, treasurer; R. Lowther, attorney-general; Peter Evans, register; Edward Pennington, surveyor-general; Robert Ashton, clerk of the peace for the town and county of Philadelphia.

D 2.—157.

The debt from the proprietary to Ford was large, and from the manner in which it was secured, proved very troublesome to himself, and his tenants in the province. Ford was steward of Penn's Irish estates, and made considerable advances of money; to secure the payment of which, he took an absolute conveyance of the province, and gave Penn an informal defeasance. During the life of the steward this transaction appears to have been kept secret; but, after his death, his representatives openly claimed the province and government; the latter was soon abandoned, as not contained in the conveyance. Penn insisted that the transaction was a mortgage only, and suit was instituted in chancery for opening and liquidating Ford's accounts, amounting to 12,000*l.* sterling. Of this great sum, Penn insisted that one-third only was, in justice, due; but that the account had been increased to this amount, by illegal and compound interest, and extortionate commissions. The chancellor appears to have been satisfied that the account was unfairly stated, but it had been so often confirmed at various settlements by the proprietor, that he would not venture to open it. Pending the suit in chancery, the Fords brought suit in the king's bench for arrears of rent, due on a lease of the province, made by Philip Ford to the proprietary; a verdict was obtained for 3000*l.*, and execution issued, on which the proprietary was arrested, whilst attending public meeting, and in the gallery; but he was liberated by the bailiff, on the assurance of H. Gouldeny, and other friends, that he would render himself when meeting should be over. This was accordingly done, and soon after he was removed to the Fleet prison, where he continued for several months, until a compromise was made with his persecutors, for the sum of about 7000*l.* This sum, or the greater part of it, was raised by friends in London, to whom Penn mortgaged the province as security. The settlement of Ford's claim brought great pecuniary relief to the proprietary, and closed a drain, the extent of which may be conjectured, when it is stated, that Ford had received 17,000*l.* principal money from his employer, and had expended 16,000*l.* only, and yet claimed a balance for interest and services of 12,000*l.* —*Logan MSS.*

E 2.—163.

As these proceedings are highly interesting to the Society of Friends, and seem, by the commutation of military service, to sanction principles

not now admitted by them; and as Proud has treated the address of the assembly with great forbearance, I have given here the names of the members of this house, in order that their religious characters may be scrutinized.

*Philadelphia County*—Edward Farmer, William Trent, Edward Jones, Thomas Masters, Thomas Jones, Samuel Cart, Jonathan Dickenson, David Giffing.

*Chester County*—Nicholas Pile, Joseph Baker, William Lewis, John Wood, Nathaniel Newlin, Ephraim Jackson, Caleb Pusey, Isaac Taylor.

*Bucks County*—Abel Janny, John Clark, Hoffeld Vanzant, John Heugh, Thomas Stevenson, Samuel Baker, Jeremiah Langhorne.

*City of Philadelphia*—Richard Hill, (speaker,) Isaac Norris.

F 2.—185.

The council resolved, "that as often as the governor shall hold a court, all the members of council, in or near Philadelphia, shall attend him as his assistants on the bench; and no decree shall be pronounced or made in chancery by the governor as chancellor, without the assent or concurrence of two or more of the six eldest of the council for the time being. And that the six eldest of the counsellors for the time being may be employed by the governor as masters in chancery as often as occasion shall require."

G 2.—194.

Forgeries of the provincial bills afterwards became frequent, and the punishment of death was inflicted by law on the offence. The minutes of council contain narratives of two or three attempts on a large scale. One of them was made by a person from New England, who went to London to have the counterfeit better executed.

H 2.—197.

Governor Keith attempted to give a very high colouring to this act. He charged Mr. Logan with having falsified the minutes of council. But this charge was indignantly repelled. The offence of the secretary consisted in having framed a minute of the transactions of the board, with the remarks of the members, in which Keith was not very respectfully treated. This minute was placed among the others without having been formally approved. The members admitted that in substance it was substantially correct, and declared that in their opinion Mr. Logan did not design to add to, or alter the proceedings of the council.—*Min. of council.*

I 2.—203.

Among the members of council about this time, appear Richard Hill, Samuel Preston, Anthony Palmer, Robert Ashton, Isaac Norris, Thomas Masters, William Ashton, John French, Andrew Hamilton, also attorney-general, James Logan, likewise secretary.

The names of the members of assembly at the end of Gookin's administration were—

*For Philadelphia County*—Samuel Carpenter, senr. Francis Rawle, Matthias Holston, John Swift, Robert Jones, Anthony Morris, Hugh Evans, Benjamin Vining.

*Bucks County*—Joseph Growdon, William Paxton, William Biles, John Sotcher, Joseph Kirkbride, jr. George Clough, Thomas Canby, Thomas Yardly.

*Chester County*—Samuel Lewis, jr. Joseph Pennock, David Lewis, William Pile, Daniel Williamson, Israel Taylor, Nathaniel Newlin, Isaac Taylor.

*City of Philadelphia*—John Kearsley, Charles Read.

The names of the members of assembly, elected in October, 1724, were—
*For Philadelphia County*—Anthony Morris, Job Goodson, Morris Morris, Francis Rawle, John Swift, Samuel Hudson, Edward Farmar, Matthias Holston.
*Bucks County*—William Biles, speaker, Jeremiah Langhorne, Joseph Fell, Christopher Vanhorne, Matthew Hughes, Thomas Watson, Benjamin Jones, Abraham Chapman.
*Chester County*—Moses Key, Joseph Pennock, William Webb, William Pile, Thomas Chandler, Elisha Gatchell, John Parry, John Crosby.
*City of Philadelphia*—John Kearsley, Thomas Tress.

K 2.—225.

Andrew Hamilton died in the latter end of the summer of 1741. He was originally from Scotland, and his first residence in America was in Virginia, whence he removed to Pennsylvania. He was distinguished for knowledge and ability as a lawyer, his general good character, and acquaintance with men and business. He acquired great reputation by his defence of Zengar at New York, indicted for a libel on the governor. The city of Philadelphia is indebted to his exertions for the purchase of the state house square, and the erection of the state house, which was founded under his superintendence as a committee of assembly. He laid the foundation of a large fortune, consisting in part of lands in and near the city, which, in the hands of his heirs, have, by the lapse of time, and the improvement of the city, become immensely valuable.

L 2.—254.

The speech of Canassatago may be seen at length in note H.

M 2.—278.

On the seventeenth of January, 1750, governor Hamilton laid before his council, a letter from captain Celeron, dated "*Camp sur le belle riviere, d une ancienne village des Chouans,*" stating, that, being sent to reconcile some Indians who had gone to war, in consequence of the late quarrel between the French and English, he was surprised to find English traders from Pennsylvania in a country to which England never had any claim; requesting the governor to forbid their future intrusion, and to advertise them of their danger in trespassing on the territories of France. At this time, Celeron buried the leaden plates mentioned in the text.—*Minutes of council.*

N 2.—305.

It is said that Braddock fell by the arm of a provincial soldier, and not by the fire of the enemy. That, in the course of the battle, the general ordered the provincial troops to form in column; but that they disobeyed, and adhered to the Indian mode of firing severally from the shelter of a tree. That Braddock rode up to a young man, named Fawcett, or Prichett, and either shot him, or cut him down with his sword. That Thomas Fawcett, a brother of the killed, having learned his fate, watched his opportunity, and revenged his death, by shooting Braddock through the body, of which wound he died. Thomas Fawcett was said to have been living a short time since on the Laurel hill, at the advanced age of ninety-seven years.

Braddock was buried, about forty miles from the field of battle, in the centre of the road which he had cut. To prevent the discovery of his grave, and to preserve his remains from savage outrage, the troops, horses, and wagons, were passed over it. The spot was marked by the soldiers, and the exact place of his interment is still pointed out. It is close to the

northern side of the national road, seven miles east of Union town.—*Pittsburg Mercury. Watson's MSS. in the collection of the Pennsylvania Historical Society.*

O 2.—313.

## INDIAN OUTRAGES.

It is an ungrateful task to detail the Indian barbarities. Their outrages, however numerous upon humanity, have such similarity in character, that their repetition in our narrative can serve only to create sentiments of horror and disgust. But the sufferings and exertions of our progenitors should not pass unnoticed; and we may, without offence to the most fastidious, give them more particular attention in a note, than would be proper in the text.

About the twentieth of October, news was received in the vicinity of Lancaster, that the French and Indians had massacred and scalped many of the inhabitants, not more than forty miles from Harris' ferry, (now Harrisburg.) About forty-five persons immediately proceeded to the indicated spot, where they found fourteen bodies shockingly mangled, which they interred. Upon receiving information from some friendly Indians, that a force of French and Indians had passed the Allegheny mountains, this party resolved to proceed to Shamokin, to ascertain the disposition of the Delawares settled there, of whose fidelity they had become suspicious. They were received coldly, but civilly, and it was apparent that their visit had, in some degree, disconcerted the Indians. Fearful of remaining in the woods, the provincialists spent the night in the village, and were advised by Andrew Monteur, who had frequently acted as provincial interpreter, to avoid a particular road, which he told them would prove dangerous. But, doubting his sincerity, they unfortunately pursued the forbidden route, and were assailed by about forty Indians, some of whom they recognised as their hosts of the preceding night. The provincialists were put to flight and dispersed; four of their number were killed by the Indian fire, and four more were drowned in crossing the Susquehannah in their retreat. Mr. John Harris, who led the party, with many others, were several days in reaching their home, and their protracted absence caused great apprehension in their neighbourhood.

On the first of November, Monteur and Scarroyaday came to Harris' ferry, and gave information that a party of Delawares and Shawanese had visited Great island, who declared that they had accepted the hatchet from the French, and were resolved to use it against the English while any of them were alive; and that a large body of French and Indians had left fort Du Quesne, and would divide themselves in small parties as they approached the frontiers, designing to attack the settlements at Shamokin, on the Juniata, and at Harris' ferry. They ascribed the attack on Mr. Harris and his people to a party which had left the fort about eight days before.

On the second of November, the enemy commenced their devastations at the Great Cove, Canollaways, and Tulpehocken. A letter of the third of November describes the people in the Great Cove in the greatest distress—their houses burning, their cattle shot down, the roads filled with the unhappy sufferers flying with their children to save their lives, without subsistence, beds, or clothing to defend them from the cold.

On the eighteenth, the savages extended their horrors to Berks county, murdering many of the inhabitants, and destroying their houses.

The Moravian settlement at Gnadenhutten was attacked soon after, by a party of twelve Delawares; five persons were slain in a house, which was set on fire, and, with the dead bodies, was consumed. One lad, having

been twice slightly wounded, made his escape. Notice was about the same time given to the Indians under the care of the Moravian society, that an opportunity would be given them to return to their friends, which if they neglected, they would afterwards be treated as the whites. Captain Anderson, of New Jersey, on receiving information of this attack, came over with a company, with whom he pursued the Indians in vain.

A letter from Bethlehem, dated December the eighteenth, states, "that a party of Indians had gathered behind the Blue mountains, to the number of two hundred, and had burned the greatest part of the buildings, and killed upwards of a hundred of the inhabitants; and that they threatened the upper Moravian places, as Christiansbrun, Gnadenthal, Nazareth, and Friedensthal."

Another letter, from Union works, Jersey, of the 20th, says, "the barbarous and bloody scene which is now open in the upper parts of Northampton county, is the most lamentable that perhaps ever appeared. There may be seen horror and desolation; populous settlements deserted; villages laid in ashes; men, women, and children, cruelly mangled and massacred; some found in the woods very nauseous for want of interment, some just reeking from the hands of their savage slaughterers, and some hacked and covered all over with wounds." To this letter was annexed a list of seventy-eight persons killed, and more than forty settlements burned.

A letter from Easton, dated twenty-fifth of December, states "the country all above this town, for fifty miles, is mostly evacuated and ruined, excepting only the neighbourhood of Dupuy's five families, which stand their ground. The people have chiefly fled into the Jerseys. Many of them have thrashed out their corn, and carried it off with their cattle and best household goods, but a vast deal is left to the enemy: many offered half their corn, horses, cows, goods, &c. to save the rest, but could not obtain assistance enough to remove them in time. The enemy made but few prisoners, murdering almost all that fell into their hands, of all ages, and both sexes. All business is at an end; and the few remaining starving inhabitants in this town are quite dejected and dispirited. Captains Ashton and Trump march up to Dupuy's this day, and are to build two blockhouses for defence of the country between that settlement and Gnadenhutten, which when finished, the inhabitants that are fled say they will return."

Upon the thirty-first of December, the village of Gnadenhutten, consisting of thirty-six houses and a church, was again attacked, and reduced to ashes. It was at this time occupied by a part of captain Levan's company of rangers, and some labourers without arms, under the command of a lieutenant Brown, who, after a sharp conflict, maintained from the church, was compelled, upon its taking fire, to retreat with great loss, the enemy, amounting to two hundred and fifty persons, far outnumbering his force. The lieutenant himself escaped, having concealed himself behind a rock in the river for many hours. Captain Levan arrived in sight of the village with the rest of his company, during the conflagration; but, seeing the church in flames, concluded that the lieutenant had been overpowered, he deemed it prudent to withdraw.

About the twenty-seventh of January, the Indians made their appearance upon the Juniata river, and committed many murders within three miles of fort Patterson.

During the month of January, the Indian aggressions were continued, but were not so extensive as in the prior and succeeding months. The latter part of February, and throughout the month of March, they were very active and mischievous along the whole western and northern border.

On the fourteenth of the former month, the savages attacked the house of F. Reichelsderfer, in Albany township, Berks county. The owner was

in the field, and made his escape on the approach of the barbarians. They murdered his two children, and set his house and stables on fire, destroying his grain and his cattle. At the house of a neighbour, (Jacob Gerhart,) they killed one man, two women, and six children. Two children slipped under the bed, one of whom was burned, the other escaped.

About the same time, the house of the widow Coxe, near M'Dowel's mill, in Cumberland county, was burned, and her two sons, and another destroyed or carried off.

On the twentieth of February, captain Patterson, with a scouting party, fell in with some Indians at Middle creek, in Cumberland county, one of whom they scalped, and put the others to flight, having one of his own men wounded. He reported the woods, from the Juniata to Shamokin, to be filled with Indians, seeking plunder and scalps, and burning all the houses, and destroying the grain, in that vicinity.

Early in March, they burned the house and barn of Barnabas Sietle, and the mill of Peter Conrad, in Berks county, and killed the wife of Balsar Neytong, and made captive his son, a lad of eight years of age. They fired upon one David Howell five times, and the last time shot him through the arm.

On the first of March, in Northampton county, on the other side of the Blue mountain, between fort Norris and fort Hamilton, at the plantation of Philip Bussart, one Muhlhaurs, whilst breaking flax there, was mortally wounded by a shot through the body. A boy of George Miniers', whilst standing at the door, received a shot in his breast, upon which he went into the house to get his gun, but, while cocking it, fell dead. Bussart's son, attempting to make his escape, was shot dead, and Bussart himself was wounded in the arm by an Indian whom he shot in the back. This attack was made by eight Indians, three of whom it was supposed were slain in the encounter.

On Sunday, the twenty-ninth of February, two boys, at a small distance from David Davis' fort, in the Little cove, Cumberland county, were fired upon by some Indians. One of them escaped and alarmed the fort. The Indians, to the number of twenty, immediately came up and took possession of a barn, and fired repeatedly on the fort, in which there were eight or ten men. The fire was briskly and effectively returned. Failing in this attempt, the enemy divided their force into two parties, and proceeded to the commission of the usual ravages. But the inhabitants of Peters township collected together in small parties between three and four o'clock of the afternoon, marched to the fort, and on the next morning set out in pursuit of the savages. They came in sight of six on horseback, who, being closely pressed, abandoned their horses and fled to the woods, leaving behind them a woman they had taken the day before, near the Potomac. Another party, under Mr. Potter, discovered the trail of two companies of the enemy, whom they followed, until baffled in the pursuit by the falling snow. These companies belonged to Shingas and Jacobs; in this foray they killed four whites, and made prisoners of a like number.

In the evening of the same day, a party of Indians were discovered by one Alexander, near the house of Thomas Barr, in Peters township. Alexander was pursued, but escaped, and alarmed the fort at M'Dowel's mill, and notice of the presence of the enemy was speedily given to the township. Early on Monday morning, a party, composed of fourteen men of captain Croghan's company, who were at the mill, and about twelve other young men, set off to watch the motions of the enemy. Within a quarter of a mile of Barr's, they fell in with fifty, and sent back for a reinforcement from the

fort. The young lads proceeded by a circuit to take the enemy in the rear, whilst the soldiers should attack them in front. But the impetuosity of the soldiers defeated their plan. For, getting within gun-shot, they immediately engaged the Indians, who were standing around the fire, and slew several of them at the first discharge. The Indians briskly returned the fire, killing one of the soldiers, and compelled the rest to retreat. The party of young men, hearing the report of fire-arms, hastened up, and, finding the Indians on the ground which the soldiers had occupied, delivered their fire with effect, but, concluding that the soldiers had fled, or were slain, they also retreated. One of their number, Barr's son, was wounded, and would have fallen by the tomahawk of an Indian, had not the savage been killed by a shot from one Armstrong, who saw him running upon the lad. Soon after, the soldiers and young men, being joined by a reinforcement from the mill, again sought the enemy, who, eluding their pursuit, crossed the creek near William Clark's, and attempted to surprise the fort; but their design was discovered by two Dutch lads, coming from foddering their master's cattle. One of the lads was slain, but the other reached the fort, which was immediately surrounded by the Indians, who, from a thicket, fired many shot at the men in garrison, who appeared above the wall, and returned the fire as often as they obtained sight of the enemy. At this time, two men coming to the mill fell into the middle of the assailants, but made their escape into the fort, though fired at three times. The party at Barr's now came up, and drove the Indians through the thicket; in their retreat, they met five men from Mr. Hoops', riding to the mill; they killed one of these, and wounded another severely. The sergeant at the fort, having lost two of his men, declined to follow the enemy, until his commander, Mr. Crawford, who was at Hoops', should return, and, the snow falling thick, they had time to burn Barr's house, and in it they consumed their dead. In the morning of the second of March, Mr. Crawford, with fifty men, went in quest of the enemy but was unsuccessful in his search.

On the seventh of March, the house of Andrew Lycan, on the Wikenesko creek, was attacked by the Indians. Lycan had with him his son, a negro man, a boy, and John Revalt, and Ludwig Shut, two of his neighbours. Lycan and Revalt, whilst engaged early in the morning foddering the cattle, had two guns fired at them, but, being unhurt, ran to the house, and prepared for an engagement. In order to get a shot at the enemy, John Lycan, Revalt, and Shut, crept out of the house, but were instantly fired upon by five Indians, and were all wounded. Lycan, the father, perceiving, over the hog-house, an Indian, named Joshua James, fired upon, and killed him: he also saw two white men run from the hog-house, and get at a little distance from it. The people in the house now endeavoured to escape, and were pursued by sixteen Indians. John Lycan and Revalt, unable, from their wounds, to continue the fight, fled with the negro, whilst Andrew, Shut, and the boy, faced the foe. One of the Indians approached the boy, and, whilst in the act of striking him with his tomahawk, was shot dead by Shut, and, at the same instant, Lycan killed another. These two heroic men continued the combat for some time, and killed and wounded several of their adversaries. Their bravery daunted the enemy, who did not dare to close upon them, even though they were compelled, from fatigue and loss of blood, to sit down upon a log to rest themselves, and they finally succeeded in making good their retreat to Hanover township. Several of the Indians were recognised as Delawares, and were well known in the neighbourhood.

On the twentieth of March, John Baker, a servant of captain Croghan,

returned to fort Shirley, bringing with him an Indian scalp. Baker, on the twenty-seventh of January preceding, was taken prisoner near the fort by two Indians, and carried to Kittanning. He remained there until about the tenth of March, when, being ordered out of the town with an Indian on some service, he took an opportunity to kill and scalp his companion, and make his escape. The number of warriors at this town did not then exceed one hundred. Of these, a party of twenty-six, under Shingas, and another party of about the same number, had set out to fall on the Conococheague settlement, and on their return home to annoy forts Littleton and Shirley.

John Craig was taken prisoner, by five Delawares, on the eleventh of February, whilst in search of two sons of the widow Coxe, of Cumberland county, whose house was burned on that day by the Indians. His captors immediately stripped him, tied a rope about his neck, and drove him before them. Whilst travelling toward the Cove mountains, they gave the war halloo, which was answered by two Indians, who had with them the two sons of widow Coxe, with ropes about their necks. At night, the three prisoners were stripped quite naked, and their limbs stretched out to the utmost extent, and tied to a post and trees; a blanket was then thrown over each. In the morning, the Indians loaded the prisoners with their luggage. They travelled seven days north-westerly, till they reached the Kiskiminetas creek, where, on hearing the noise of many guns, they gave the war cry, which was answered by a party under Shingas. Being told that the king was ready to receive them, they again set up the war shout, and provided themselves with hickory withes, with which they lashed the ground in a furious manner, and, when they came in sight of the other Indians, fell to whipping the prisoners most unmercifully, drawing blood at every stroke. When they met, a council was held concerning the prisoners, and Craig was given to Shingas, who adopted him as his son, and he and his party separating from the other Indians, took him with them to Loyal Hannah. From this place, Shingas, with the greater part of his force, went to attack M'Dowel's fort, and left Craig in the custody of four Indian men and two women. Soon after, captain Jacobs, with sixteen Indians, came to them, staid with them two nights, and then set out for cape Capon, in Virginia. The four Indians then made Craig assist them to construct a raft, upon which they crossed the river, and commenced hunting. The women also left the cabin to search for haws, when Craig made his escape.

On the twenty-fourth of March, the house of Peter Klucks, in Berks county, about fourteen miles from Reading, was set on fire by the enemy, and the family, five in number, consumed. After which, the Indians attacked the house of one Linderman, in which were two men and a woman, all of whom ran up stairs, where the woman was shot dead through the roof. The men then ran out of the house to engage the Indians, when Linderman was shot in the neck, and the other through the jacket. Upon this, Linderman ran towards the Indians, two of whom only were seen, and shot one of them in the back, when he fell, and he and his companion scalped him, and brought away his gun and knife.

About the fourth of April, M'Cord's fort, in Conococheague, was burned by the Indians, and twenty-seven persons were killed or captured: the Indians escaped the pursuit of two parties of the inhabitants of the vicinity, who had divided themselves into three parties to seek them. Several other forts along the frontier line were watched by outlying parties of savages, and every straggler was made prisoner, or shot down. The third party came up with the enemy at Sideling hill, with whom they had a smart engagement for two hours, during which they fired twenty-four rounds, but

were overpowered by numbers, the Indians having been succoured by a force under Shingas. Each side sustained a loss of above twenty-five killed, and many wounded.

During the months of May, June, and July, the Indians continued their barbarities, but not so extensively as in the two preceding months.

On the twenty-second of July, a party of sixty Indians appeared before fort Granville, and challenged the garrison to combat: but this was declined by the commander, in consequence of the weakness of his force. The Indians fired at and wounded one man belonging to the fort, who had been a short way from it, yet he got in safe; after which they divided themselves into small parties, one of whom attacked the plantation of one Baskins, near Juniata, whom they murdered, burnt his house, and carried off his wife and children; and another made Hugh Carroll and his family prisoners.

On the thirtieth of July, captain Ward, commanding at fort Granville, left the fort with all his men, except twenty-four under the command of lieutenant Armstrong, to guard some reapers in Shearman's valley. Soon after the captain's departure, the fort was attacked by about one hundred Indians and French, who, having assaulted it in vain during the afternoon and night of that day, took to the Juniata creek, and, protected by its banks, attained a deep ravine, by which they were enabled to approach, without fear of injury, to within thirty or forty feet of the fort, to which they succeeded in setting fire. Through a hole thus made, they killed the lieutenant and one private, and wounded three others, whilst endeavouring to put out the fire. The enemy then offering quarter to the besieged, if they would surrender, one Turner immediately opened the gate to them. They took prisoners twenty-two soldiers, three women, and some children, whom they loaded with burdens, and drove before them. The fort was burned by captain Jacobs, pursuant to the order of the French commander. When the Indians reached Kittanning, they put Turner to death with the most horrid tortures. They tied him to a black post, danced around him, made a great fire, and having heated gun-barrels red hot, ran them through his body. Having tormented him for three hours, they scalped him alive, and at last held up a boy with a hatchet in his hand to give him the finishing stroke.

From the fifth to the tenth of August, many murders were committed in Cumberland county, and the affrighted inhabitants, especially of the Juniata and Shearman's valley, deserted their homes.

About the twentieth of August, on the Salisbury plain, near the mouth of Conococheague creek, as a number of men, women, and children, were attending a funeral, they were fired on by about thirty Indians; who killed and scalped fifteen persons, and wounded many of the others. The same day, six men went from Isaac Baker's upon the scout; one returned wounded, four were killed, and the other was captured. And six others, going to one Erwin's, to haul grain, were attacked; one wounded in the hand, who, together with a companion, escaped; the rest were slain. Four more, who went from Shirley's fort, were also slain or made prisoners. On the same day, two families on Salisbury plain, consisting of nine persons, were murdered.

Upon the following day, as captain Emmet and a scouting party were crossing the South mountain, they were fired on, and three of their number killed, and two wounded.

A few days after this, one William Morrison went to his place in Conococheague settlement, where he was discovered by five Indians, and, finding he could not escape by running, he put himself in an active pos-

ture, beckoning and making signs, first to one side and then to the other, as if a party of his friends were at hand, trying to surround the Indians, which they perceiving, retreated into the woods, and he got off safe.

2 P.—316.

The address of some of the people called Quakers, in behalf of themselves and others in the said province:

The consideration of the measures which have lately been pursued, and are now proposed, having been weightily impressed on our minds, we apprehend that we should fall short of our duty to you, to ourselves, and to our brethren in religious fellowship, if we did not in this manner inform you, that, although we shall at all times heartily and freely contribute, according to our circumstances, either by the payment of taxes, or in such other manner as may be judged necessary, towards the exigencies of government, and sincerely desire that due care may be taken, and proper funds provided for raising money, to cultivate our friendship with our Indian neighbours, and to support such of our fellow-subjects who now are, or may be, in distress, and for such other like benevolent purposes; yet, as the raising sums of money and putting them into the hands of committees, who may apply them to purposes inconsistent with the peaceable testimony we profess, and have borne to the world, appears to us, in its consequences, to be destructive of our religious liberties, we apprehend many among us will be under the necessity of suffering, rather than consenting thereto, by the payment of a tax for such purposes; and thus the fundamental part of our constitution may be essentially affected, and that free enjoyment of liberty of conscience, for the sake of which our forefathers left their native country, and settled this, then a wilderness, by degrees be violated.

We sincerely assure you, we have no temporal motives for thus addressing you; and could we have preserved peace in our own minds, and with each other, we should have declined it, being unwilling to give you any unnecessary trouble; and deeply sensible of your difficulty in discharging the trust committed to you irreproachably in these perilous times, which hath engaged our fervent desires that the immediate instruction of Supreme Wisdom may influence your minds; and that being preserved in a steady attention thereto, you may be enabled to secure peace and tranquillity to yourselves and those you represent, by pursuing measures consistent with our peaceable principles; and then, we trust, we may continue humbly to confide in the protection of that almighty Power, whose providence has heretofore been as walls and bulwarks round about us.

2 Q.—322.

"We have," said they, "with the most sensible concern and pain of mind, observed the sorrowful alteration in the state of this late peaceful province, now become the theatre of bloodshed and rapine, and distressed by the cruel devastations of a barbarous enemy, which justly excites the most aggravating reflections in every considerate mind; yet when we consider that all wars are attended with fatal consequences, and one with enemies so savage as those who have now become ours, with circumstances the most shocking and dreadful, we cannot omit beseeching, that before the resolution of declaring war against them be carried into execution, some farther attempts may be made, by pacific measures, to reduce them to a sense of their duty, and that a further opportunity may be offered to such as may be willing to separate from those who have been the wicked instruments of perverting them."

"The settlement of this province was founded on the principles of truth, equity, and mercy, and the blessings of Divine Providence attended the

early care of the first founders to impress these principles on the minds of the native inhabitants, so that when their numbers were great, and their strength vastly superior, they received our ancestors with gladness, and granted them peaceable possession of the land, and for a long course of time gave constant and frequent proofs of a cordial friendship, all of which we humbly ascribe to the infinite wisdom and goodness of God, "whose hand is for good upon all that seek him;" and as the angelic acclamation of glory to God in the highest, peace on earth, and good-will to men, with which the birth of our Lord Jesus Christ was published, and the example and precepts which he, as the prince of peace, gave through the course of his personal appearance on earth, have given us undoubted assurance that the day is dawned in which his peaceable reign will be exalted, and gradually become universal; we cannot, without neglect of our duty, and sacrificing the peace of conscience, we prefer to every temporal blessing, omit reviving our testimony in this time of probation, that all wars appear to us contrary to the nature and end of the gospel dispensation, and that we, as a people, still firmly believe, that on an humble and steady acquiescence with the dispensations of Divine Providence, our real protection and security depends, from which no temporal inconveniences and difficulties can justify our departing."

"Yet, while we earnestly desire all may attain this happy experience, we do not presume to prescribe; but as our minds feel more than our words can express, of pain and anxiety for our brethren and fellow christians, whose desolation, we fear, will be increased, and perpetuated by a hasty declaration of war, we find ourselves obliged to beseech the governor to resume the most weighty, serious, and religious deliberation on this melancholy occasion, that so every measure which hath been pursued, and whatever remains possible to be done to prevent so fatal and lamentable an extremity, may be strictly and impartially reviewed and considered; that full inquiry may be made, whether some apprehensions these Indians have conceived of a deviation from the integrity towards them so conspicuous in the first establishment, may not unhappily have contributed in some degree to the alteration of their conduct towards us; that full time may be allowed for those Indians who still remain well affected towards us, to use and report the effect of their endeavours to reconcile our enemies, and that proper care may be taken to prevent our allies being, through the misconduct or evil disposition of any, injured in such manner as to provoke them likewise to their arms against us; and that the governor's care to guard against involving the innocent with the guilty, may carry so clear demonstration of christian tenderness, and aversion to shedding blood, that an evidence may be given to the minds of the other neighbouring Indians, which may engage them heartily and sincerely to assist in the desirable work of restoring peace and tranquillity, towards which all the measures hitherto taken seem to have contributed little good effect."

"We, therefore, with sincerity and ardency, pray, that the calamities may be averted which will ensue on a continued war with these savages, some of the melancholy effects of which the annals of a neighbouring province, full of the most warlike people, have testified; and as the fear of God, honour of the king, love of our brethren, and fellow christians, are the motives which engaged us to make this address, we hope to demonstrate by our conduct that every occasion of assisting and relieving the distressed, and contributing towards the obtaining of peace, in a manner consistent with our peaceable profession, will be cheerfully improved by us, and even though a much larger part of our estates should be necessary than the heaviest taxes of a war can be expected to require, we shall cheerfully by voluntary grants evidence our sincerity herein."

## INDIAN WAR—1763.

2 R.—404.

Late in May, a number of Delaware Indians presented themselves opposite to fort Pitt, with fifteen horse load of skins and furs, which they traded with the garrison, with great haste and indifference as to the price. These circumstances occasioned surprise and suspicion, which was increased by an intimation from one of the savages to a Mr. M'Kee, that he must leave the fort before the expiration of four days; and by the nocturnal removal of a party of Indians from a settlement they possessed a few miles up the Allegheny. A few days after, the warrior Wolf, and other Delawares, murdered and scalped colonel Clapham, and four of his people, of whom two were women; these were treated with the most brutal indecency. Two soldiers, who were stationed at a saw-mill, in the vicinity of the fort, were also killed and scalped. A company of traders, belonging to Messrs. Allison and Calhoune, driving twenty-five horses, loaded with skins and furs, were fired upon as they were crossing Beaver creek, and several of them killed. Two men, who were sent with an express in the night to fort Venango, were fired upon, and compelled to return, one of them being wounded.

A party of seven or eight Indians fired upon the garrison at fort Ligonier, without other damage than the killing some horses.

On the thirtieth of June, a party of the enemy attacked fifteen persons mowing in Mr. Croghan's field, near Bedford, killed and scalped three of them.

On Sunday morning, the tenth of July, the Indians attacked the house of William White, on the Juniata, between thirty and forty miles from Carlisle, in which there were four men and one lad. Upon the approach of the Indians, White having opened the door to ascertain the cause of the noise he heard, was instantly shot down. Those in the house drew in the body of White and shut the door; but observing through the window the Indians attempting to set fire to the house, they attempted to force their way through the door, but the first that stepped out being shot down, the remainder drew him in and closed the door. After which, one attempting an escape out of the window of the loft, was shot through the head, and the lad wounded in the arm. The only one now remaining (William Riddle) broke a hole through the roof of the house, and an Indian who saw him looking out, supposing that he was about to fire upon him, withdrew, and gave him an opportunity of escaping. The house, with the other four in it, was consumed. One M'Machin, who was coming at this moment to the house, without suspicion of the Indians, was fired upon, and wounded in the shoulder, but made his escape.

On the same day, about a mile and a half from White's, the house of Robert Campbell, in which were six men, was also attacked. This party was at dinner, when the Indians rushed in, fired among them, and tomahawked one of the men. One of the company by the name of George Dodds, snatching a rifle from an adjoining room, shot an Indian through the body, who was levelling his piece at him. The Indian, mortally wounded, staggered and dropped his gun, and was carried off by three others. Dodds and several others broke through the roof with a view of escaping, and beheld one of their company running slowly, by reason of a wound in his breast, and an Indian pursuing, by whom he was supposed to be slain. The first who attempted to get from the roof was fired at, and drew back; the second, who made the same attempt, was shot dead; and, of the six, Dodds only made his escape.

The same day, about dark, upon the Tuscarora, about thirty miles from Carlisle, the savages murdered one William Anderson, together with a boy

and a girl, all in one house. At White's and Campbell's, the Indians were from five to ten in number. On Monday, the eleventh, a party of the inhabitants, twenty-four in number, from the upper part of Shearman's valley, and another party of twelve or fourteen from the lower part of this valley, went to reconnoitre, and a party from Carlisle, of between thirty and forty, went out for the same purpose, and to assist in burying the dead. The second party discovered several houses in flames, or burnt down; the reaped grain, in shocks, consumed, and the fences on fire around the standing corn; and the bodies of the murdered settlers mangled by the hogs. This party, apprehending danger, dared not to stay and bury the dead. Upon their return, having passed the Tuscarora mountain, they were fired on by a large party of Indians, and lost six of their number, killed and wounded.

Notwithstanding the efforts of the inhabitants, the Indians pursued their course through Shearman's valley, marking their path with fire and blood. In three days they killed twenty-five of its inhabitants, and wounded many others.

Early in the month of September, about two o'clock in the afternoon, eight Indians came armed to the house of John Fincher, a Quaker, resident over the Blue mountains, in Berks county, about twenty-four miles from Reading, and within three-quarters of a mile of a party of six men of captain Kern's company of rangers, commanded by ensign Sheffer. Upon the approach of the Indians, Fincher, his wife, two sons and daughter, immediately went to the door and asked them to enter and eat: expressed their hopes that they came as friends, and entreated them to spare their lives. After some deliberation, however, they slew the parents and two sons; the daughter was missing after the departure of the Indians, and it was supposed, from the cries that were heard by the neighbours, that she also was slain. A little boy, who resided in the house, made his escape, and alarmed the ensign, who immediately went in pursuit of the enemy. He pursued them to the house of one Millar, where he found four children murdered, the Indians having carried off two others with them. Millar and his wife being at work in the field, saved their lives by flight, the man being pursued near a mile by an Indian, who fired at him twice. Continuing the pursuit, the serjeant and his party came up with the savages, and fired upon them. The fire was returned, and a sharp, but short, conflict ensued. The enemy fled, leaving behind them two prisoners, Millar's children, and part of the plunder they had taken. These barbarians had scalped all the persons they had murdered except an infant, about two weeks old, whose brains they had dashed out against the wall. The consequence of this massacre was the desertion of all the settlements beyond the Blue mountain.

A few days after these events, the house of Frantz Hubler, in Bern township, eighteen miles from Reading, was attacked, himself wounded, his wife and three children carried off, and three other of his children scalped alive, two of whom soon after died.

Early in October, the house of John Stinton, about eight miles from Bethlehem, was assailed by the Indians, at which was captain Witherholt, with a party belonging to fort Allen. The captain, designing early in the morning to proceed for the fort, ordered a servant out to get his horse ready, who was immediately shot down by the enemy; upon which the captain going to the door, was also mortally wounded, and a sergeant, who attempted to draw the captain in, was also dangerously hurt. The lieutenant then advanced, when an Indian jumping on the bodies of the two others, presented a pistol to his breast, which he, putting aside, it went off over his shoulder, whereby he got the Indian out of the house and shut the door. The Indians then went round to a window, and as Stinton was getting out of bed, shot him; but, rushing from the house, he was able to run

a mile before he dropped dead. His wife and two children ran into the cellar; they were fired upon three times, but escaped uninjured. Captain Wetherholt, notwithstanding his wound, crawled to a window, whence he killed one of the Indians who were setting fire to the house; the others then ran off, bearing with them their dead companion. Captain Wetherholt died soon after.

On the eighth of October, a party of fifteen or twenty Indians attacked the house of captain Nicholas Marks, of Whitehall township, Northampton county. Marks, his wife, and an apprentice boy, made their escape, though twice fired upon by the Indians, and proceeded to the house of one Adam Fashler, where there were twenty men under arms. These immediately went in pursuit of the enemy. In their progress, they visited the farms of Jacob Meekly, where they found a boy and girl lying dead, the girl scalped; of Hance Sneider, where they discovered the owner, his wife, and three children dead, in the field, and three girls, one dead, the other two wounded, and one of them scalped. On their return to Ashler's, they found the wife of Jacob Allening, with a child, lying dead in the road, and scalped. The houses of Marks and Sneider were both burned.

In the commencement of November the savages again appeared on the west of Carlisle, in the vicinity of the north mountain, Shearman's valley, and Bedford, and also in the neighbourhood of Allentown and Bethlehem. They killed and scalped one Williamson, and his two youngest children, and carried the eldest, a girl, into captivity. They also killed and scalped two men, one by the name of William Reed, and the other David Gloss.

February 10, 1764.—Indians, to the number of fifty, attacked the farm of James Russell, in Northampton county, near fort Penn; burnt his barn, killing one of his sons, and carrying off another. Officer at that post pursued, but did not overtake the Indians.

February 22.—A party of Indians, six in number, attacked a party from the garrison, at Pitt, out cutting wood, killed one, and severely wounded another. The wounded man drove from him three of the Indians, and escaped into the fort.

February 26.—John Russell, brother of the lads above mentioned, was attacked by three Indians. He took to a tree, and received three fires from each, returned as many, and drove them off. One shot passed through his hat, another through the sleeve of his coat, and a third wounded him slightly in the calf of the leg.

Monday, 19th March.—The Indians carried off five people from within nine miles of Shippensburg, and shot one man through the body. The enemy, supposed to be eleven in number, were pursued unsuccessfully by about one hundred provincials. The houses of John Stewart, Adam Sims, James M'Cammon, William Baird, James Kelly, Stephen Caldwell and John Boyd, were burnt. These people lost all their grain, which they had thrashed out with the intention to send it for safety further down among the inhabitants.

The bearer of the foregoing intelligence from Carlisle, had nine shots fired at him, one of which lodged in his horse's shoulder.—*Extract of a letter from Carlisle.*

April.—The distresses of the back inhabitants are greater than can be well conceived. Two hundred miles of an extended frontier are so exposed to the incursions of Indians, that no man can go to sleep within ten or fifteen miles of the border without danger of having his house burned, and himself and family scalped, or led into captivity before the next morning. No man can tell where the Indians will strike the next blow, when they

have begun their murders and devastations. On the twentieth of last month, Agnes Davidson, and her child, of a year old, Andrew Sims, fourteen years old, Margaretta Stephens, twelve years old, and Joseph Mitchell, three years old, were made prisoners. Seven houses were burned down on the twenty-first, and a great number of horses, cows, sheep, and hogs were killed. On the twenty-second a barn was burned in the Path valley; a horse was killed, and two taken away. About twelve Indians carried off the captives, and seven or eight tarried behind, and did considerable damage. The militia officers pursued the enemy without success.

Another letter, dated March 26, states, "many of the inhabitants of the Path and Shearman's valley were purposing to adventure home, but this affair has quite disconcerted their measures, and the people along the north mountain are moving further in, especially about Shippensburg, which is crowded with families of that neighbourhood. Our country has the appearance of nothing but confusion and distress, which I fear will increase. What shall so many families do, who have spent the winter with us, chiefly supported by the contributions of Philadelphia, in hopes of returning to their settlement in the spring. Many of them have been forced to sell what few cattle they saved to support their families, and others, who, in the fall, would not apply for a share in the public contributions, are obliged, by want, to apply now, when our funds are almost spent. The above seven families got nothing saved but their wearing clothes, so sudden was the alarm; one poor woman, delivered of a child, was obliged to remove in two hours time after."

April 19, 1764.–David Owens, a deserter from the regulars, who lived some years among the Indians, returned to one of the outposts, bringing with him five fresh Indian scalps, and a white boy, who was a prisoner among the Indians. They relate that they were coming down the Susquehannah with nine Indians, four men, a lad, two women, and two children, to fetch corn; that they encamped at night, and made a fire to sleep by. In the night Owens waked the white boy, and made him go from among the Indians; that he then removed their arms, except two guns and a hatchet. With the two guns he shot dead two of the Indian men immediately, and with the hatchet despatched the two women, the Indian lad, and two children; but two of the men made their escape. Owens staid not far from the place until morning, when he scalped the two men, the women, and the lad, and then gave his knife to the white boy, bidding him scalp the two children; but he declining it, they left them unscalped, and came away.

On Sunday, the twenty-second of July, two or three Indians were seen near fort Loudon. On Wednesday following, a woman, with child, named Cunningham, passing to a neighbour's, was met by the savages, scalped and murdered, and belly ripped open, and the child left beside her. Another woman, named Jamieson, was missing, supposed to be carried off. On the twenty-sixth, in the forenoon, the enemy came in a school-house on Conecocheague creek, twelve or fifteen miles from fort Loudon, in the very heart of the settlement, where they killed and scalped the master, one Brown, and nine of his scholars; that four more, belonging to the school, were thought to be made prisoners. This bloody massacre was discovered by a man passing by, who, hearing no noise in the school, went in, and saw the master lying scalped, with his bible under his arm; that one of the scholars was much wounded, who told him that there were four Indians, who were not seen until they entered the house. Two of the children then murdered belonged to an unhappy man, who had four others carried off by the savages in the last war.

2 T.—530.

Names of the members of the provincial conference, convened on the resolution of congress recommending a change in form of the provincial governments.

*For the committee of the city of Philadelphia*—Benjamin Franklin,† colonel Thomas M'Kean, Mr. Christopher Marshall, jr., major John Bayard, colonel Timothy Matlack, colonel Joseph Dean, captain Francis Gurney, major William Coates, Mr. George Schlosser, captain Jonathan B. Smith, captain George Goodwin, Mr. Jacob Barge, Mr. Samuel C. Morris, captain Joseph Moulder, Mr. William Lowman, Dr. Benjamin Rush, Mr. Christopher Ludwig, Mr. James Milligan, Mr. Jacob Shriner, captain Sharp Delany, major John Cox, captain Benjamin Loxley, captain Samuel Brewster, captain Joseph Blewer, Mr. William Robinson.

*For the committee of Philadelphia county*—Colonel Henry Hill, colonel Robert Lewis, Dr. Enoch Edwards, colonel William Hamilton,† colonel John Bull, colonel Frederick Antes,† major James Potts, major Robert Lollar, Mr. Joseph Mather, Mr. Matthew Brooks, Mr. Edward Bartholomew.

*For the committee of Bucks county*—John Kidd, esq., major Henry Wynkoop, Mr. James Wallace, colonel Joseph Hart, Mr. Benjamin Segle.

*For the committee of Chester county*—Colonel Richard Thomas, major William Evans, colonel Thomas Hockley, major Caleb Davis, Elisha Price, esq., Mr. Samuel Fairlamb, colonel William Montgomery, colonel Hugh Lloyd, Richard Reilly, esq., colonel Evan Evans, colonel Lewis Greno, major Sketchly Morton, captain Thomas Levis.

*For the committee of Lancaster county*—William Atlee, esq., Mr. Lodowick Lewman, colonel Bartram Galbraith, colonel Alexander Lowry, captain Andrew Graaff, Mr. William Brown, Mr. John Smiley, major James Cunningham, major David Jenkins.

*For the committee of Berks county*—Colonel Jacob Morgan, colonel Henry Haller, colonel Mark Bird, Dr. Bodo Otto, Mr. Benjamin Spyker, colonel Daniel Hunter, colonel Valentine Eckart, colonel Nicholas Lutz, captain Joseph Heister, Mr. Charles Shoemaker.

*For the committee of Northampton county*—Robert Levens, esq., colonel Neigal Gray, John Weitzel, esq., Nicholas Depui, esq. Mr. David Deshler, Mr. Benjamin Dupue.

*For the committee of York county*—colonel James Smith, colonel Robert M'Pherson, colonel Richard M'Allister, colonel David Kennedy, colonel William Rankin, colonel Henry Slagle, Mr. James Egan,† Mr. John Hay, captain Joseph Read.

*For the committee of Cumberland county*—Mr. James M'Lane,† colonel John Allison, John M'Clay, esq., William Elliott, esq., colonel William Clark, Dr. John Colhoon, Mr. John Creigh, Mr. Hugh M'Cormick, Mr. John Harris, Mr. Hugh Alexander.

*For the committee of Bedford county*—Colonel David Espy, colonel John Piper, Samuel Davidson, esq.

*For the committee of Westmoreland county*—Mr. Edward Cooke, Mr. James Perry.

N. B. The persons whose names are marked thus,† did not attend the conference.

2 U.—540.

Names of the members of the convention of the state of Pennsylvania, held July 15, 1776, at Philadelphia, and continued by adjournment to September the twenty-eighth following:

*For the city of Philadelphia*—Timothy Matlack, Benjamin Franklin, Frederick Kuhl, Owen Biddle, James Cannon, George Clymer, George Schlosser, David Rittenhouse.

*For the county of Philadelphia*—Frederick Antes, Henry Hill, Robert Lollar, Joseph Blewer, John Bull, Thomas Potts, Edward Bartholomew, William Coates.

*For the county of Bucks*—Joseph Hart, John Wilkinson, Samuel Smith, John Keller, William Vanhorn, John Grier, Abraham Van Middleswarts, Joseph Kirkbride.

*For the county of Chester*—Benjamin Bartholomew, John Jacobs, Thomas Strawbridge, Robert Smith, Samuel Cunningham, John Hart, John Mackey, John Flemming.

*For the county of Lancaster*—George Ross, Philip Marsteller, Thomas Porter, Bartram Galbraith, Joseph Sheerer, John Hubley, Henry Slaymaker, Alexander Lowry.

*For the county of York*—John Hay, James Edgar, William Rankin, Henry Slagle, Francis Crazart, James Smith, Robert M'Pherson, Joseph Donaldson.

*For the county of Cumberland*—John Harris, Jonathan Hoge, William Clarke, Robert Whitehill, William Duffield, James Brown, Hugh Alexander, James M'Clean.

*For the county of Berks*—Jacob Morgan, Gabriel Hiester, John Lesher, Benjamin Spyker, Daniel Hunter, Valentine Eckart, Charles Shoemaker, Thomas Jones.

*For the county of Northampton*—Simon Dresbach, Jacob Arndt, Peter Buckhelder, Peter Rhoads, Jacob Stroud, Neigal Gray, Abraham Miller, John Ralston.

*For the county of Bedford*—Thomas Smith, John Wilkins, Benjamin Elliot, Thomas Coulter, Joseph Powell, Henry Rhoads, John Burd, John Cessna.

*For the county of Northumberland*—William Cocke, James Potter, Robert Martin, Matthew Brown, Walter Clark, John Kelly, James Crawford, John Weitzell.

*For the county of Westmoreland*—James Barr, Edward Cooke, James Smith, John Moore, John Carmichael, James Perry, John M'Clellan, Christopher Lavingair.

2 X.—542.

Names of members of the assembly and other officers.

*For the county of Philadelphia:*—John Dickenson, Michael Hillegas, George Gray, Thomas Potts, Samuel Miles, Joseph Parker, Robert Morris, Jonathan Roberts.

*For the city of Philadelphia:*—Benjamin Franklin, Thomas Mifflin. On the twenty-sixth of February, 1776, Dr. Franklin resigned his seat in the assembly; alleging, that his advanced age would not permit him to execute the duties of that office, in addition to those of a member of the committee of safety, and member of congress.

*For the county of Chester:*—John Morton, Benjamin Bartholomew, James Gibbons, Isaac Pearson, John Jacobs, Charles Humphreys, Joseph Pennock, Joseph Pyle.

*For the county of Bucks:*—William Rodman, John Heany, Gerardus Wynkoop, John Foulke, Benjamin Chapman, David Twining, John Brown, Thomas Jenks.

*For the county of Lancaster:*—Curtis Grubb, Matthias Slough, George Ross, James Webb.

*For the county of York:*—James Ewing, Michael Swoope.

*For the county of Cumberland:*—William Allen, John Montgomery.

*For the county of Berks:*—Edward Biddle, Henry Christ.

*For the county of Northampton:*—Peter Kachlein, George Taylor.

*For the county of Bedford:*—Bernard Dougherty.

*For the county of Northumberland:*—Samuel Hunter.

*For the county of Westmoreland:*—William Thompson.

Members of the proprietaries' and governor's council:

James Hamilton, Joseph Turner, William Logan, Richard Peters, Lynford Lardner, Benjamin Chew, Thomas Cadwallader, James Tilghman, Andrew Allen, Edward Shippen, jr.

Joseph Shippen, jr., provincial secretary, and clerk of the council; Joseph Galloway, speaker of the house of assembly; Charles Moore, clerk of the assembly; Owen Jones, treasurer of the province; Benjamin Franklin, agent for the province in Great Britain.

Judges of the supreme court:

William Allen, chief justice, John Lawrence, second judge; Thomas Willing, third judge.

Edward Shippen, jr., prothonotary of the supreme court, &c.; Andrew Allen, attorney-general; Benjamin Chew, register-general, &c.; William Parr, master of the rolls, &c.

Proprietaries' officers for land affairs, &c.:

James Tilghman, secretary of the land office; Edmund Physick, receiver-general, and keeper of the great seal; Richard Hockley, auditor-general; John Lukens, surveyor-general.

Principal officers for the customs, for the port of Philadelphia:

John Patterson, collector; Zachariah Hood, comptroller; Richard Hockley, naval officer; David Drummond, surveyor and searcher, &c.

Court of admiralty for the province of Pennsylvania, and counties of Newcastle, Kent, and Sussex, upon Delaware:

Edward Shippen, jr., judge; Richard Peters, jr., register; Judah Foulke, marshall.

Court of admiralty, in case of appeals, for the provinces of New York, New Jersey, Pennsylvania, Maryland, and Virginia:

Honourable Jared Ingersoll, commissary; James Biddle, deputy-commissary; Philip How, register; John Smith, deputy-register; Arodi Thayer, marshal, and sergeant at mace.

About this time, the number of aldermen for the city of Philadelphia consisted of twenty persons; and the common council of thirty-six.

THE END.

## ERRATA.

For the errors noted in the following list, and for others he may not have etected, the author assigns occasional indisposition, during the passage of he work through the press, as an apology.

Preface, page vii. line 8, for "Robinson," read "Robertson."
Page 12, line 5, for "Swanwendael," read "Swannaandael."
17, line 2, for "1731," read "1631."
28, line 6, for "1753," read "1653."
29, line 27, for "1768," read "1668."
40, line 4, for "1780," read "1680."
49, line 22, for "is," read "are."
173, line 28, for "1780," read "1680."
236, line 34, for "unwillingness," read "willingness."
253, line 23, for "1736," read "1686."
312, line 34, for "Harr's," read "Harris."
319, line 10, for "were," read "was."
366, and elsewhere, for "Bonquet," read "Bouquet."
411, 412, for "1765," at top of page, read "1764."
464, line 27, for "it," read "them."
472, line 29, for "Indians," read "brethren."
546, line 14, for "1782," read "1682."
565, line 12, for "Debtors," read "A debtor."

Note 2 S has been inadvertently omitted. It contains copies of denunciations of persons who had broken the prohibitions of congress.

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